1822

STANDING ORDERS

OF THE

BOARD OF REVENUE

(LAND REVENUE, SETTLEMENT AND MISCELLANEOUS)

(Issued under the authority of the Board of Revenue)

IN FOUR VOLUMES

VOLUME IV—CHAPTERS XII TO XIX

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PREFACE.

The complete official edition of the Board's Standing Orders was published in 1878 having been compiled by Dr. C. D. Macleane, who was then Additional Sub-Secretary to the Board. A subsequent edition, which was entrusted by Government to Sri P. Chentsal Rao, C.I.E., and was brought out at the Lawrence Asylum Press, was commenced in 1887, but owing to plan adopted, viz., of issuing each chapter as it became ready, the progress made was very slow, and in 1893, when the first eighteen chapters had been revised and published, work came to a standstill owing to various causes which it is unnecessary to detail here. When this work was resumed in 1896, it was found that the earlier chapters of the new edition had already become overloaded with correction slips which had accumulated since 1887, and the task of revising them afresh claimed equal attention with that of republishing the remaining chapters of Dr. Macleane's edition. Accordingly, a new edition of the whole of the Standing Orders was, under the orders of Government, commenced in 1896 by Mr. R. C. C. Carr, who was then Secretary to the Board of Revenue in the Land Revenue Department, and carried through to completion by Mr. Lionel Davidson, the then permanent Secretary, with the assistance of Sri L. D. Swamikannu Pillai, the then Assistant Secretary, and Sri S. Krishnama Achariyar, the then clerk in charge of that work. That edition was issued from the Government Press under special arrangements made by Mr. R. Hill, the Superintendent, for the simultaneous issue of all parts of the Publication, a task of no small difficulty, considering that some parts of the book had to be in type and had undergone constant revision during a space of over three years.

The edition of 1907 was brought up to 30th April 1907. The chapter on "Court of Wards" was omitted. Appendices to the Board's Standing Orders were published separately as Volume II. This was followed up by 1913 edition. The chapters were re-arranged. The edition embodied corrections issued up to 31st December 1912. Chapter I-A relating to "Maintenance of land records" was numbered as Chapter II and the succeeding chapters renumbered. Later volumes of the Board's Standing Orders were corrected up to 30th June 1919 and reprinted in 1920. During 1931, the Board's Standing Orders were brought up to 31st July 1931 and reprinted with chapters re-arranged, and a new Chapter XIX (Forest Panchayat) was added. The special features of this edition were that it was printed in four volumes and the appendices were printed under each chapter immediately after the text. Separate index was printed for each volume while a consolidated skeleton index was also printed at the end of Volume IV.

In the year 1949–50, the work of revision of volumes of the Board's Standing Orders was undertaken. By about the middle of 1950, however, the Government held that the recommendation of the Land Revenue Reforms Committee which had then been constituted, might involve considerable changes in the system of revenue administration and

accordingly ordered that the work of revision and reprinting of volumes of the Board's Standing Orders need not be proceeded with. The work, therefore, came to a standstill till 1955 when it was resumed. The enactment of the Constitution of India and the formation of Andhra State in 1953 from out of the Madras State also necessitated the revision of the Board's Standing Orders. The work of the revision of the Board's Standing Orders has been done under the direct supervision and control of the Secretary, Board of Revenue (Land Revenue), Sri P. Sivasankaran Pillai, I.A.S. Volume I of the Board's Standing Orders was, however, only reprinted in 1955 embodying in it the corrections issued only up to 30th June 1953. During the present revision the changes up to and inclusive of 1st April 1957 are being embodied in Volume I by issue of correction slips. Volumes II to IV have been revised up to and inclusive of 1st April 1957 and are being reprinted accordingly.

2. *Arrangement of the Standing Orders.*—The table showing the scheme of arrangement appended indicates the principles underlying the present arrangement of the Standing Orders; it also shows the correspondence between each chapter of this edition with that bearing on the same subject in the reprint editions of 1931.

The Board's Standing Orders are important books of constant reference. The last revision was made during 1900. The numbers allotted to the Standing Orders in all the four volumes have not been changed since then. The numbers of certain important Standing Orders have thus become very familiar for reference and easily understood, in Government work. In other Government publications, references have been made frequently to the Standing Order numbers. A change in the numbering of the Standing Orders in the Board's Standing Orders now, will necessitate changes in all the other Government publications containing references to these Standing Orders. In the Madras Code, the Madras Account Code and in such other publications, the existing set up of the numbering of section and paragraph has not been disturbed, even though there had been a number of deletions. It has, therefore, been decided to retain the existing numbers to the Standing Orders in the present revision.

3. *The division and subdivisions of chapters.*—The matter dealt with has been grouped, according to custom, into the Standing Orders, and a division of each chapter into parts, sections and sub-sections has also been adopted, wherever the subject lent itself to such an arrangement; the same principle has been followed in subdividing the longer Standing Orders.

4. (*a*) *Sequence of the Standing Orders.*—The comparative table of the sequence of the Standing Orders appended below shows the number in the reprint edition of 1931 and the corresponding number in the present edition.

(*b*) *Table of Contents.*—The Table of Contents shows the Standing Order and paragraph numbers, their subject-headings and the page numbers.

5. *Paragraphs.*—Each paragraph, headed by an Arabic numeral, is furnished with a subject-heading in italics, which is repeated in the Table of Contents prefixed to each volume. This table also provides separate headings for subdivisions of paragraphs which are introduced by small Roman numerals.

6. *Authorities.*—The present edition indicates the precise authority for every separate ruling, whether it forms a Standing Order by itself or is contained in paragraph, a sub-paragraph, a sentence, a clause or, as is sometimes the case, in a single word. The indication is carried out by means of small reference letters ; this distinction of the authorities, will be found of help whenever a Standing Order or a portion of it forms the subject of criticism, revision or reconsideration.

7. *Date up to which corrected.*—Volume I of the Board's Standing Orders reprinted in 1955 embodies all corrections issued up to 30th June 1953 and all corrections involved as a result of revision, reorganization of States, etc., are being carried out by means of correction slips up to and inclusive of 1st April 1957. Volumes II to IV have also been corrected up to and inclusive of 1st April 1957. A printed form of six pages has been set apart to serve as chronological register of correction slip at the end of each of the volumes.

8. *Matter omitted.*—Chapter II dealing with Revenue Records and Registration was omitted and taken over to Chain Survey Manual. Portion of Chapter XV relating to office-routine, Revenue establishment, correspondence, office procedure, arrangement, preservation and destruction of records and petitions, their transmission and disposal, was omitted and taken over to the District Office Manual.

9. *Errors and omissions.*—Suggestions for the amendment of this compilation as well as any indication of errors and omissions therein may be addressed to the Secretary to the Board of Revenue (Land Revenue), Chepauk, Madras, and will be duly acknowledged by him.

SCHEME OF ARRANGEMENT.

Details. (1)			Order in the edition of 1900 and in the edition of 1907 reprint volume. (2)	Order in the 1931 reprint of the 1900 edition. Volume. (3)	Order in the 1931 reprint of the 1900 edition. Chapter. (4)	Order in the present edition. Volume. (5)	Order in the present edition. Chapter. (6)
Primary functions of the Board of Revenue (Land Revenue).	Assessment of land, maintenance of land records and collection of revenue, grant and recovery of agricultural advances.	Assessment and disposal of land.	I	I	I	I	I
		Maintenance of revenue records and registration.	..	..	II	..	*
		Collection of revenue	II		III		II
		Grant and recovery of agricultural advances.	III †				
	Inams and connected questions.	Inams	IV	II	IV	II	III
		Yeomials, State-pensions, etc. ..	V		V		IV
		Public endowments	VI		VI		V
		Irrigation and other Public works	VII		VII		VI
		Acquisition of land for public purposes.	VIII		VIII		VII
		Government Law suits	IX		IX		VIII
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	Contingencies and Stationery ..	XVII		XVII		XVI
	District gazettes and old district records and other district printing works.	XVIII	IV	XVIII		XVII
	Forest panchayats	..		XIX		XVIII
	Miscellaneous	XIX		XX		XIX
Statutory functions of the Board as the Court of Wards.	Court of Wards	XX †				

* During the present revision chapter relating to the Maintenance of Revenue Records and Registration was omitted.

† Chapter relating to the grant and recovery of agricultural advances and that relating to the Court of Wards were omitted from the previous reprint edition and from the reprint edition of 1907 respectively.

‡ The subject 'Sanitary and Medical' has been changed as 'Public Health and Registration of Births and Deaths.'

LIST OF PREVIOUS EDITIONS OF THE BOARD'S STANDING ORDERS.

Serial number of the editions. (1)	Name of the edition. (2)	Name of the book. (3)	Period covered. (4)	Name of the compiler. (5)	The office held by the compiler. (6)	Date of publication. (7)
1	Mr. Maskell's edition ..	Circular Orders of the Board of Revenue.	From 1820 to 1850 inclusive ..	John Maskell, Esq.	First Uncovenanted Assistant, Revenue Board Office.	1851.
	Do. ..	Do.	Orders issued during the years 1851, 1852 and 1853.	Do.	Do.	1854.
	Do. ..	Do.	Orders issued during the year 1854.	Do.	Do.	1855.
	Do. ..	Do.	Orders issued during the year 1855.	Do.	Do.	1856.
	Do. ..	Do.	Orders issued during the year 1856.	Do.	Do.	1857.
	Do. ..	Do.	Orders issued during the year 1857.	Do.	Do.	1858.
	Do. ..	Do.	Orders issued during the year 1858.	Do.	Do.	1859.
	Do. ..	Do.	Orders issued during the year 1859.	Do.	Do.	1860.
2	Mr. Dalyell's edition ..	The Standing Orders of the Board of Revenue.	From 1820 to 1865	R. A. Dalyell, Esq.	Sub-Secretary to the Board.	1866.
3	Dr. Macleane's edition ..	Do.	Revised up to 31st December 1877.	C. D. Macleane, Esq.	Additional Sub-Secretary to the Board.	..
4	M.R.Ry. P. Chentsal Rao's edition.	Do.	Of this edition only eighteen chapters were issued between the years 1889 and 1893.	M.R.Ry. P. Chentsal Rao Pantulu Garu, C. I. E.	Retired Superintendent of Stamps and Stationery.	1889–1893.

5	Messrs. Carr and Davidson's edition.	Do.	Revised up to 31st March 1900.	R. C. C. Carr, Esq., I.C.S., L. Davidson, Esq., I.C.S.	Secretaries to the Board of Revenue, Land Revenue Department.	1900.
6	Volume I, 1955 edition..	Do.	30th June 1953, Volume I ..	Secretary and Additional Secretary, Board of Revenue.	Secretary and Additional Secretary Board of Revenue.	1955.
	Volumes II, III and IV 1957 edition.	Do.	1st April 1957 Volumes, II, III and IV.	Do.	Do.	1957.

SEQUENCE OF STANDING ORDERS.

CHAPTER XII.

Village Officers.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
145	..	145	..
146	..	146	..
147	..	147	..
148	..	148	..
149	..	149	..
150	..	150	..
151	..	151	..
152 cancelled.	..	..	..
153	..	153	..
154	..	154	..
155	..	155	..
156	..	156	..
156A	..	156A	..
157	..	157	..
157A	..	157A	..

CHAPTER XIII.

Revenue Inquiries under Regulation IX of 1822.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
158	..	158	..

SEQUENCE OF STANDING ORDERS—*cont.*

CHAPTER XIV.

Office Routine.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
173	..	173	..
174	..	174	..
175	..	175	..

Note.—Standing Order Numbers 159 to 172 and Standing Order Numbers 176 to 180 have been deleted from the Board's Standing Orders and taken over to the District Office Manual.

CHAPTER XV.

Treasury and Financial.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
181	..	181	..
182	..	182	..
183	..	183	..
184	..	184	..
185	..	185	..
186	..	186	..
187	..	187	..
188	..	188	..
189	..	189	..
..	..	..	..

SEQUENCE OF STANDING ORDERS—*cont.*

Chapter XVI.

Contingencies and Stationery.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
190	..	190	..
191	..	191	..
192	..	192	..

Chapter XVII.

District Gazettes and old district records and other district printing works.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
193	..	193	..
194	..	194	..
195	..	195	..

SEQUENCE OF STANDING ORDERS—*cont.*

Chapter XVIII.

Forest Panchayats.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
195A	1	195A	1 Newly proposed.
	2		
	3		
	4		
	5		5, 6, 7, 8, 9 renumbered as 2, 3, 4, 5 and 6.
	6		
	7		
	8		
	9		
	10		
	11		
	12		
	13		
	14		
	15		
	16		

Note.—The remaining paragraphs have been ordered to be taken over to the Forest Code or Manual as the case may be.

SEQUENCE OF STANDING ORDERS—*cont.*

CHAPTER XIX.

Miscellaneous.

Number in the edition of 1931.		Number in the present edition.	
Standing Order. (1)	Paragraph. (2)	Standing Order. (3)	Paragraph. (4)
196		196	
197		197	
198		198	
199		199	
200		200	
201		201	
202		202	
202A		202A	
203		Deleted.	
204		204	
205		205	
206		206	
207		207	
208		208	
209		209	
210		210	
211	1	211	1
	2		2
	3		3 The S.O. was recast.
	4		4
			5
			6
212		Deleted.	
213		213	

EXPLANATION OF ABBREVIATIONS.

B.P. (when no department is specified)	Stands for	Board's Proceedings, Land Revenue Department (up to 14th February 1922). Board's Proceedings, Land Revenue and Settlement (from 15th February 1922).
Sett.	Do.	Settlement department.
Sep. Rev.	Do.	Separate Revenue Department.
For.	Do.	Forest Branch.
C.P.	Do.	Court of Ward's Proceedings.
M.	Do.	Dr. Maskell's edition of the Board's Standing Orders, 1851 to 1860.
E.M.C.	Do.	Extract from the Minutes of Consultation.
O.M.	Do.	Official Memorandum.
Cir. Memo.	Do.	Circular Memorandum.
G.O. (when no department is specified).	Do.	Government Order, Revenue Department.
Rev.	Do.	Revenue Department.
Finl.	Do.	Financial Department.
Jdl.	Do.	Judicial Department.
Pub.	Do.	Public Department.
L.S.G.	Do.	Local Self-Government Department.
Milty.	Do.	Military Department.
Dev.	Do.	Development Department.
I.	Do.	Public Works Department, Irrigation Branch. Public Works Department, General Branch.
W	Do.	Public Works and Labour Department.
Edl.	Do.	Educational Department.
Eccl.	Do.	Ecclesiastical Department.
S.O.	Do.	Standing Orders of the Board of Revenue.
I.L.R.	Do.	Indian Law Report.
Mad.	Do.	Madras Series.
All.	Do.	Allahabad Series.
Cal.	Do.	Calcutta Series.
Bom.	Do.	Bombay Series.
Mis.	Do.	Proceedings in the Miscellaneous Series.
Agri.	Do.	Agricultural Department.
P.W.D.	Do.	Public Works Department.
Home	Do.	Home Department.
I.L.C...	Do.	Industries, Labour and Co-operation.
Law	Do.	Legal.
H.E.L.A.	Do.	Health, Education and Local Administration.

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STANDING ORDERS

OF THE

BOARD OF REVENUE

(LAND REVENUE, SETTLEMENT AND MISCELLANEOUS)

Volume IV.

Chapter XII.

VILLAGE OFFICERS.

145. Introductory—*Scope of the chapter.*—This chapter deals with (1) the appointment, punishment and removal of village officers and (2) the law under which hereditary village offices and the emoluments attached to them may be recovered by suit.

2. *Acts and Regulations referred to.*—The special law relating to these matters is comprised in Madras Acts I of 1889, II of 1894 and III of 1895. Certain other provisions of law [e.g., section 52 of Act II of 1864 and the Madras Court-fees and Suits Valuation Act, 1955 (Madras Act XIV of 1955)] are occasionally applied to village offices. All matters provided for by law are contained in the first part of this chapter, and matters dealt with by executive order in the second.

G.O. Ms. 2760, Rev., d. 11-7-56.

3. *Divisions of the chapter.*—Information regarding village munsifs appointed under Act I of 1889, and the four classes of offices enumerated in paragraph 1 of Standing Order No. 147 below will, as a rule (and except in regard to matters of leave, transfer and criminal prosecution), be found in Part I of this chapter, while information relating to other village offices and the rules regarding the grant of leave to, and the transfer and criminal prosecution of, all village officers is contained in Part II.

4. *Personal conduct rules inapplicable.*—The rules contained in the pamphlet entitled " The Government Servants' Conduct Rules " do not apply to village officers, but their powers and duties are described in detail in the " Village Officers' and Ryots' Manual " as well as in the rules framed under Acts II of 1894 and III of 1895 (Appendices I and V).

B.P. 404, d. 8-11-95.
G.O. Ms. 2760, Rev., d. 11-7-56.

PART I.—MATTERS PROVIDED BY LAW.

146. Village Munsifs appointed under Madras Act I of 1889—*Appointment of village munsifs.*—The following rules have been laid down in regard to the making of such appointments :—

(i) [a] When the local jurisdiction of the village court is conterminous with a village, the [f] revenue divisional officer [f] shall appoint to be village munsif, the person discharging the duties of the office of head of the village. [a]

(ii) When, in consequence of the grouping or subdivision of villages under section 6 of the Act, the local jurisdictions are not conterminous, the revenue divisional officer [e] may [e] appoint to be village munsif of each such village court a person other than the head of a village and residing within the jurisdiction of the village court. [c] The [f] revenue divisional officer [f] must be satisfied that the person so appointed is literate and capable of discharging efficiently the duties of the office. [c]

(iii) [b] The order of appointment should explicitly set forth that the appointment holds good for such time only as the person appointed actually discharges the duties of village headman. If a village headman is dismissed or suspended, he will thus cease *ipso facto* to be munsif ; similarly a gumasta nominated to discharge the duties of headman and for that reason appointed village munsif will cease to be munsif immediately his acting appointment as headman terminates.[b]

Note.—[d] Under section 7 of Act I of 1889 residence within the jurisdiction of the village court is a condition precedent to the appointment of any person as village munsif.[d]

[a] G.O. 431, Judl., d. 28-2-93.
B.P 143, d. 24-3-93.
[c] B.P. 58, d. 18-2-15.
[e] B.P. 281, d. 14-12-04.
[b] G.O. 87, d. 31-1-93.
[d] G.O. 283, Judl., d. 16-2-98.
B.P. 42, d. 22-2-98.
[f] B.P. 78, d. 14-11-21.

2. *Appeals against orders of appointment.*—The Collector has power to entertain an appeal in the matter of the appointment of a village munsif. Such appeals should be presented within one month from the date of the revenue divisional officer's order.

B.P. 78, d. 14-11-21.

3. *Punitive orders affecting village munsifs and appeals against such orders.*—Under section 8 of the Act, the Collector may, of his own motion or on requisition made by the District Judge, suspend or remove a village munsif for incapacity, neglect of duty, misconduct or other just and sufficient cause. In such cases, an appeal lies to the Board of Revenue if the order has been passed by the Collector on his own motion, or to the High Court if the order has been passed on a requisition from the District Judge, provided that it is in either case presented within three months from the date of the Collector's order.

Section 8 of Mad. Act I of 1889.

Note.—The general rules of justice, equity and good conscience laid down in Standing Order No. 133 should be borne in mind by officers entrusted with inquiries into the conduct of village munsifs.

4. *Obligation to try suits.*—Village munsifs cannot lawfully refuse to try suits filed in their courts in accordance with Madras Act I of 1889. Collectors should notify in their district gazettes from time to time that parties aggrieved by a munsif's refusal to try such suits should bring the matter promptly to the notice of the tahsildar or divisional officer.

B.P. 243, d. 21-11-00.

147. Classification of village offices governed by statute and the provisions relating to them—1. *Classification.*—The village offices governed by statute may be classified as shown below. The various classes of offices will be referred to, whenever it may be convenient to do so, by the number assigned in this classification :—

(1) Hereditary village offices to which emoluments are attached by the State in ryotwari villages, or inam villages grouped with ryotwari villages.

Note.—The hereditary village offices to which this clause refers are—

(*a*) Village munsifs, patels, monigars, peddakapus, i.e., village *headmen,* whatever the local name for them.

(*b*) Karnams, i.e., village accountants.

(*c*) Nirgantis, i.e., irrigation servants.

(*d*) Vettis, totis and tandalgars.

(*e*) Talaiyaris, i.e., village watchmen.

B.P. 63, d. 9-9-21.

(2) Village offices to which Madras Act II of 1894 has been extended.

Note.—The offices to which this clause refers are those of (1) the village accountant, (2) the village headman, and (3) the village watchman or talaiyari irrespective of whether emoluments have been attached to them or not.

(3) Hereditary village effices in proprietary estates not falling under class (2) or (4).

Note.—It has been specially held by Government that the 'Paiks' and 'Doras' of Goomsur and Parlakimedi in Ganjam are hereditary village officers falling under this group

B.P. 238, d. 2-7-96. B.P. 190, d. 3-6-97.

(4) Hereditary offices of village artizans and village servants whether in ryotwari or proprietary tracts such as—

(i) the village carpenter.
(ii) the village blacksmith,
(iii) the village barber,
(iv) the village washerman,
(v) the village potter,
(vi) the village astrologer,
(vii) the village purohit or priest.

2. *Law applicable to ryotwari tracts.*—Hereditary village offices in ryotwari tracts are governed solely by Madras Act III of 1895.

3. *Law applicable in proprietary estates.*—(1) The appointment, punishment and removal of *village headmen, karnams* and *talaiyaris whether they are hereditary or non-hereditary* in a proprietary estate are governed by Madras Act II of 1894. These offices belong to **class (2)**.

(2) The appointment, punishment and removal of *hereditary vettis, nirgantis* and *shroffs* in all proprietary estates are governed by Madras Act III of 1895. (*Act III of* 1895, *sections* 7, 8, 9 and 11.) These offices fall under **class (3)**.

(3) Both Acts II of 1894 and III of 1895 are silent as to the appointment, punishment and removal of the village servants and artizans forming **class** (4); accordingly these matters are outside the scope of the Acts.

(4) Suits for office or for emoluments preferred by hereditary officers, servants and artizans of classes (2) to (4) should be decided exclusively under the provisions of Madras Act III of 1895.

(5) The Madras Hereditary Village Offices Act III of 1895 applies only to those hereditary village offices to which emoluments have been attached, and it does not create any hereditary right of succession to village offices which were not previously hereditary in character (*see* sections 3 and 22).

B.P. Mis. 3359, d. 28-10-37.
G.O. Ms. 2760, Rev., d. 11-7-56.

4. *Rules under Act III of* 1895.—The rules framed under section 20 of Act III of 1895 are given in Appendix I. They relate to—

(i) the division, grouping and amalgamation of villages,

(ii) (*a*) the holding of inquiries under sections 6, 7 and 8,

(*b*) hearing of appeals under section 23 against orders passed under sections 6, 7 and 8,

(iii) the educational qualifications required of the holders of village offices forming class (1) in section 3,

(iv) (*a*) the procedure to be followed in disposing of suits,

(*b*) the procedure in regard to appeals from decrees or orders passed in suits,

(*c*) the registers to be maintained in connexion with suits and appeals,

(v) (*a*) the execution of decrees and orders passed in original and appeal suits,

(*b*) the taxation of costs,

(vi) (*a*) salaries and other allowances,

(*b*) the method of payment of salaries, etc., to village officers,

(vii) (*a*) the duties of the holders of village offices forming class (1) in section 3,

(*b*) the duties of the holders of village offices forming class (3) in section 3,

(viii) the custody, production and transfer of accounts and other records kept by village officers.

5. *Rules under Act II of* 1894.—The rules framed under Madras Act II of 1894 are given in Appendix V. They deal with the following subjects :—

(i) the division, grouping and amalgamation of villages,

(ii) the educational qualifications of village officers,

(iii) the duties of the several village officers, and the descriptions and forms of accounts and registers to be kept by them, and

(iv) the procedure to be followed in conducting inquiries under section 16 of Act II of 1894.

148. Appointment or selection, punishment and removal of village officers of class (1)—*Circumstances necessitating appointment or selection.*—The appointment or selection of a village officer may be necessitated—

(1) by a vacancy caused by the death, dismissal, removal, resignation, or suspension of a village official; or by reason of the registered village officer being a minor incapable of discharging the duties of his office; or by reason of his having forfeited his right to the office under section 10 (5) of Act III of 1895.

(2) by the grouping or subdivision of villages in the course of a general or special revision of village establishments, in which case the old village offices are considered to have disappeared with the units of the local area to which they were originally attached, and the offices in the new units of area are regarded as entirely new and distinct creations to which the incumbents of the extinct offices have, strictly speaking, no hereditary right;

(3) by a reduction in the number of offices of any one class in a village without any change in its territorial limits. [*Act III of* 1895, *section* 6 (2).]

Note.—A temporary vacancy may also be caused by the grant of authorized leave of absence to a village officer. *See* Rules 67 and 68 given in Appendix I.

B.P. 53, Press, d. 20-5-40.

2. *Principles to be observed at a revision of village establishments*—(i) *When villages are grouped or subdivided.*—When the occasion for making a selection is of the second kind referred to in paragraph 1, it is the policy of the legislature, as far as practicable, to respect the claims of the incumbents of the extinct offices. It has accordingly been provided that in choosing a person to fill [ac] any [ac] of the new hereditary offices, the divisional officer shall select that individual whom he may consider to be the best qualified from among the families of the last holders of the offices of the same class which have been abolished. This does not preclude the selection of one of the office-holders themselves if [c] suitable [c]. (*Act III of* 1895, *section* 6.) A minor may be registered in such cases. [Section 3 (i) *of Act* VII *of* 1930.]

[a] B.P. Mis. 3839, d. 7-12-01. [c] B.P. Mis. 585, d. 27-5-21.
G.O. Ms. 2138, Rev., d. 20-10-32. B.P. 68, Press, d. 29-10-32.

(ii) *When village offices are reduced in number.*—* In the third class of cases *, i.e., when the number of offices in a village is reduced without any change being made in the extent of the village unit, the divisional officer is bound to retain those officers whom he may consider to be the best qualified, and dispense with the services of the others. It may happen that none of such officers has attained majority or is of the male sex; in such cases some satisfactory test should be adopted in order to decide which among the rival claimants is relatively the best qualified, and that individual should be retained and allowed to discharge his or her duties by deputy. [*Act III of* 1895, *section* 10 (1) (*b*).]

B.P. Mis. 3495, d. 8-12-98. G.O. 2736, d. 10-9-12.

* Approved in G.O. 859, Rev., d. 29-3-09.

3. *Who may appoint or select.*—Appointments and selections are made by the divisional officer. (*Act III of* 1895, *sections* 10 *and* 6). [a]For the prescribed form of recommendation roll for appointment of village officers under section 10, *see* Appendix VI. [a] [b] Selections [b] under section 6 (1) and (2) should be reported in the Forms A and B given in Appendix III.

[a] B.P. 209, d. 12-10-00. [b] B.P. 13, d. 18-1-13.

4. *Rules of succession.*—Succession is determined by the general custom and rule of primogeniture governing succession to impartible estates in Southern India—

(i) In the cases reported in Indian Law Reports, IV Madras, 267, and XXIV Madras, 610, the High Court has decided that this rule is, that when impartible property passes by survivorship from one line to another, it devolves not necessarily on the coparcener nearest in blood, but on the nearest coparcener of the senior line. This decision should, therefore, be followed in deciding claims of succession to hereditary village offices. [a] But the nearer ascendants and their descendants exclude the more remote ascendants and their descendants. Thus the last holder's descendants should be exhausted before his brothers and their descendants can succeed; similarly the latter should be exhausted before the uncle and their descendants can succeed.[b]

[a]G.O. Mis. 1716, Rev., d. 8-9-30. [b] B.P. 69, d. 18-9-30.

(ii) As in the case of impartible estates, partition should not be recognized in the case of village offices and succession should follow the rule applicable to *undivided* families, i.e., descent should follow the male line in preference to the female.

(iii) Succession should generally be traced from the last permanent office-holder but in the case of a vacancy caused by the death or forfeiture of the office by a registered minor, he should be treated as the last holder of the office and succession should be traced from him.

Illustrations to rule (i).—The last permanent holder A of village office leaves behind him two sons B1 and B2 and a grandson by B1, viz., C1. On A's death B1 will succeed.

If, however, B1 is already dead or disqualified, his eldest son C1 will succeed before B2.

Illustrations to rule (ii).—When the last office-holder has no male issue and leaves behind him only brothers or other collaterals and daughters' sons, the brothers or other collaterals will succeed before the daughters' sons.

(iv) Heirship and qualification will be determined with reference to the state of things existing at the time when the appointment is actually made. Posthumous adoption will not have the effect of divesting a person, who had been already appointed by the Collector of his office. But if before an order is actually passed, an adoption takes place, the adopted son will be eligible for appointment as the next heir. Nearer heirs who qualify themselves between the date of the vacancy and the date of appointment will be preferred to more distant heirs who were fully qualified on or before the date of the vacancy.

Where there is a child in the womb who, if born alive, will be entitled to the office, the vacancy should be filled up only after the birth of child.

B.P. 143, d. 31-7-03.
G.O. Ms. 2138, Rev., d. 20-10-32. B.P. 68, Press, d. 29-10-32.
G.O. Mis. 2750, Rev. d. 16-10-50.
B.P. Press, 1, d. 3-1-51.

5. *Temporary exclusion of next heir.*—When the vacancy is caused by the dismissal, removal or suspension of a village officer with a bar order under the provisions of section 10 (4) of Act III of 1895, the Revenue Divisional Officer may appoint a divided member of the family of the dismissed, removed or suspended officer, until the death, reappointment or return to duty of the last office-holder. The discretion should be exercised with great caution. If no divided member of the family who is fully qualified and suitable is available a stranger, who is fully qualified and suitable, may be appointed.

Govt. Memo. 13004 M 50-9, Rev. d. 17-10-50.
B.P. Press 3, d. 17-1-51.

When a stranger or even a divided member of the dismissed or removed officer's family is appointed under section 10 (4) to do the duties of the office, no heir of the dismissed or removed officer can sue for the office till the dismissed or removed officer dies and the cause of action for a suit arises only on the death of the dismissed or removed officer.

The person appointed under the foregoing sub-paragraphs to do the duties of the office should not be removed or dimissed *during the life-time of the dismissed or removed officer* except after a regular disciplinary enquiry. On the death of the *dismissed or removed officer* it will be the duty of the Collector to make a permanent appointment in accordance with the Act. If a qualified heir is available and is appointed to the village office, the person who was discharging the duties of the office until then will automatically vacate office. If the heir to the office is a minor the person who is already discharging the duties of the office should be appointed as deputy if he is acceptable to the minor's near relatives. If the dismissed or removed officer leaves no qualified or minor heir the Collector should appoint the person who has been performing the duties of the office under section 10 (4) and the hereditary right to the office will then vest in him and his heirs.

G.O. Ms. 746, Rev., d. 10-4-45. B.P. Press 13, d. 4-5-45.

6. *Appointment of a remote heir or stranger*—(i) *Where rightful claimant is employed elsewhere.*—When the hereditary right to a vacant office vests in a person who is employed elsewhere, or who cannot be appointed for any of the reasons stated in the preceding paragraphs, the next person in the line of succession should be appointed, if he is qualified, or registered (if he is a minor).

B.P. 152, d. 21-4-96.

Note.—There is no legal bar to a man employed elsewhere suing for an office. If he is successful he should be called upon to resign from the office previously held and if he fails to do so, should be removed from one of the offices on the ground that the same individual cannot permanently discharge with efficiency the duties of the two village offices.

G.O. Ms. 1074, d. 30-5-34. B.P. 76, d. 8-6-34.

(ii) *Where there is no qualified member in the line of succession.*—In the absence of a qualified member or a minor heir in the line of succession from the last office-holder, a qualified stranger may be appointed. [a] But a person entitled to succeed according to the law of succession stated in paragraph 4 may, if he was qualified on the date of the appointment of the stranger and is not barred by limitation, file a suit and, if successful, recover the office.[a] If no such suit is filed within three years from the date on which the cause of action arises and prosecuted to a successful conclusion, the appointment of the stranger will become permanent, and none but *his* heirs can sue for the office in succession to him. [*Act III of* 1895, *section* 10 (3).]

B.P. 408, d. 22-11-97. B.P. Mis. 712, d. 23-2-99.
[a]B.P. 27, d. 16-5-21.

Note.—An heir who was a minor at the time of the occurrence of the vacancy may sue for the office within three years from the date of his attaining majority [proviso to section 14 (1) of Madras Act III of 1895].

B.P. 144, Press, d. 4-11-35.

7. *Appeals against orders of appointment or selection.*—Against every order of selection made in the circumstances referred to in clauses (2) and (3) of paragraph 1 supra a single appeal lies (1) within one month from the date of selection to the Collector if the officer making the selection is a divisional officer and (2) within three months from the date of selection to the Board of Revenue if the officer who originally made the selection happens to be the Collector himself. [*Act III of* 1895, *section* 23 (1).] There is no appeal in regard to appointments made in a vacancy of the description mentioned in clause (1) of the same paragraph, and there is no second appeal in any case.

G.O. 2736, d. 10-9-12.

8. *Registration of minors and appointment of deputies.*—When the next heir of the last office-holder is a minor, such minor should be registered and a deputy appointed to discharge the duties of the office during his minority. [*Act III of* 1895, *section* 10 (5).]

Note.—Save as provided in section 10 (5) of Act III of 1895 no person entitled to hold a hereditary village office, except a minor, can be allowed to discharge his duties by a deputy unless during authorized leave of absence.

B.Ps. 152, d. 21-4-96; Mis. 1963, d. 22-7-98 and B.P. 1034, d. 20-3-05.

9. *Minor's family to be consulted.*—In selecting the deputy, regard should be had to the wishes of the minor's near relatives, and some one acceptable to them should be appointed if possible; but if the person selected by the minor's family is not qualified or is otherwise unsuitable, another may be appointed. A deputy once appointed should not be dismissed merely because the minor's family expresses a preference for some one else. Nor is it necessary to remove a deputy once appointed when one minor is registered for an office in succession to another—

(*a*) unless the guardian of the newly registered minor can adduce sufficient proof that the new minor's interests will really suffer by the continuance in office of the same deputy, or

(*b*) unless it is considered desirable in an exceptional case, to appoint as deputy a qualified member of the newly registered minor's family.

G.O. Ms. 2549, Rev., d. 29-9-51. B.P. 36, Press, d. 16-10-51.
B.P. 87, d. 5-3-96.

10. *Deputy's emoluments.*—Where inams have been enfranchised, the whole salary of the office should be paid to the deputy; but where the emoluments consist of land the deputy should receive only the assessment.

B.P. 87, d. 5-3-96.

11. *Deputy to instruct the minor.*—The deputy should be required to instruct the minor in the duties of the office; but neither the minor nor his family has any claim on the deputy for maintenance.

B.P. 87, d. 5-3-96.

12. *Infliction of punishments*—(i) *Powers of Divisional Officers.*—Divisional officers may of their own motion or on complaint and after inquiry, *record reasons and (a) suspend or remove any village headman or karnam [items (a) and (b) of the Note under class I in B.S.O. No.* 147] *if he petitions to be adjudged an insolvent or is adjudged an insolvent and (b) fine, suspend, dismiss, or remove any village officer of class* (1) *for misconduct, neglect of duty, incapacity, failure to reside in the village or for any other sufficient cause.* [*Act III of* 1895, *Section* 7 (1).]

G.O. 2341, Rev., d. 15-10-41. B.P. 42, Press, d. 21-8-42.

(ii) *Powers of Tahsildars and Deputy Tahsildars.*—Tahsildars and Deputy Tahsildars are empowered to fine village officers of class (1) to the extent of one rupee in each case. [*Act III of* 1895, *section* 7 (2).] They should not, however, fine headman and village munsifs. In their case they should award black marks and maintain conduct registers.

Note.—Village officers residing in the subordinate villages of their groups need not be required to remove to the central village of the group, if their present residence does not cause inconvenience to the inhabitants. Otherwise the duty of a village officer to reside in the central village of his group should be enforced.

B.P. 229, d. 9-7-95.
G.O. Ms. 2200, Rev., d. 29-10-32. B.P. 71, d. 9-11-32.
G.O. Ms. 2551, Rev., d. 7-12-27.

13. *Appeals against punitive orders*—(i) *First appeals.*—Against orders of a punitive nature an appeal lies—

(1) within one month to the divisional officer or the Collector according as the order appealed against was passed by an officer immediately subordinate to one or other of these authorities;

(2) within three months to the Board of Revenue in the case of orders passed by the Collector. [*Act III of* 1895, *section* 23.]

(ii) *Second appeals.*—No second appeal against a punitive order is allowed except *in respect of a decision on appeal of the District Collector dismissing or removing* a village headman or karnam, in which case a second appeal lies within three months to the Board of Revenue. [*Act III of* 1895, *section* 23 (1), *proviso.*]

Note.—Paragraphs 18 to 22 of Standing Order No. 154 infra regarding the manner in which the rule of limitation should be worked in regard to suits apply to appeals against orders of appointment and selection and punitive orders.

G.O. 2341, Rev., d. 15-10-41. B.P. 42, Press, d. 21-8-42.

149. Appointment or selection, punishment and removal of officers of class (2) which includes the hereditary and non-hereditary offices of (1) Village accountant, (2) Village headman and (3) Village watchman or talaiyari in proprietary estates irrespective of whether emoluments have or have not been attached to them by the State—

SECTION I.—APPOINTMENTS.

Who may exercise the powers of a "Proprietor".—The powers of a proprietor under this Act can only be exercised by—

(1) A proprietor registered as such in the Collector's office or the holder, on a permanent under-tenure, of any portion consisting of one or more villages, of a permanently settled estate or an unsettled palaiyam or jaghir.

(2) In cases of joint proprietorship, the person (*a*) recognized by the other joint proprietors as manager, or (*b*) when there is a dispute, recognized and *registered* by the Collector as senior joint owner.

(3) [a]A person, other than the proprietor, who has been registered as "proprietor" by the District Collector under section 5 of the Limited Proprietors Act IV of 1911, Madras.[a]

[a] B.P. 155, d. 14-6-12.

2. *Circumstances necessitating appointments.*—The appointment or selection of village officers may be necessitated—

(1) by a vacancy caused by the death, dismissal, removal, resignation or suspension of a village official; or by reason of the registered heir being a minor, incapable of discharging the duties of his office; or by reason of his having forfeited his right to the office under section 13 of Act II of 1894;

(2) by the grouping or subdivision of villages in the course of a general or special revision of village establishments, in which case the old village offices are considered to have been abolished with the villages to which they were originally attached, and the offices in the new villages are regarded as new creations to which the incumbents of the extinct offices or their heirs have no right, legally enforceable. [*Act II of* 1894, *section* 15 (1)];

(3) by a reduction in the number of offices of any one class in a village without any change in its territorial limits. [*Act II of* 1894, *sections* 7 *and* 15 (2)]; or

(4) by the creation of an entirely new office by the Collector. **Such offices** are non-hereditary. [*Sections* 7 *and* 9, *Act II of* 1894.]

B.P. 53, Press, d. 20-5-40.

3. *Selection of village officers when the territorial limits of villages have been changed or when the number of offices of any one class is reduced*—(i) *When villages are grouped or subdivided.*—When the occasion for making

a selection is of the second kind referred to in paragraph 2, the law requires that the proprietor shall select to fill any one of the new hereditary offices that individual whom he may consider to be the best qualified from among the families of the last holders of the offices of the same class which have been abolished and report his selection to the divisional officer. This of course does not preclude the selection of one of the office-holders themselves. A minor may be registered in such cases. [*Act II of* 1894, *section* 15 (1), and B.P. 276, d. 13-11-1908.] [*Section* 2 *of Madras Act VII of* 1930.]

G.O. Ms. 2183, Rev., d. 20-10-32. B.P. 68, Press, d. 29-10-32.

(ii) *When village offices are reduced in number.*—In the third class of cases, i.e., when the number of offices of any one class in a village is reduced while the territorial limits of the village remain unaltered, the proprietor shall dispense with the services of the officers no longer required, retain the officer or officers whom he may consider to be best qualified to discharge the duties and report his action to the divisional officer. [*Act II of* 1894, *section* 15 (2).] In the cases dealt with in paragraphs 2 (2) and 2 (3), provided that the proprietor makes his selection from among the families of the last holder or the holders themselves, as the case may be, no superior authority can interfere on appeal or otherwise. Should the proprietor fail to make the prescribed report of his selection within the prescribed period of six weeks the divisional officer may himself make the selection [*section* 15 (3) *of Act II of* 1894]. In respect of the old offices retained under section 15 (2) their previous hereditary or non-hereditary character is unaffected. New offices created under section 15 (1) are hereditary or non-hereditary according as the offices they replace were hereditary or non-hereditary. The right of succession to *hereditary* offices retained or created vests in the heirs of the incumbents retained or selected at the revision, the rights of the other holders of abolished offices and of their families being altogether extinguished.

B.P. 276, d. 13-11-08. G.O. 2736, d. 10-9-12.
G.O. Ms. 2778, Rev., d. 20-11-35. B.P. 161, Press, d. 30-11-35.

(iii) *Forms in which selection by proprietors to be sent.*—Selections by proprietors under section 15 (1) and (2) should be reported in Forms C and D of Appendix V.

B.P. 13, d. 18-1-13.
G.O. Ms. 2760, Rev., d. 11-7-56.

4. *Appointments to vacant offices or when additional offices are created.*—(i) Proprietors may make appointments to fill vacancies or to an additional office newly created [*see* paragraph 2 (4) above], but must send a report of every appointment so made to the divisional officer within six weeks of (1) the occurrence of a vacancy, or (2) the issue of the Collector's order directing the appointment of an officer to the additional village office newly created. [*Act II of* 1894, *section* 9.]

Note.—When the heir is a minor and a deputy has to be appointed for him, the Act not only provides that notice of the appointment should be given to the divisional officer within six weeks of the occurrence of the vacancy but also imposes a penalty for a proprietor's wilful omission to submit the minor's name for registration under section 13 of the Act. [*Sections* 13, 14 (2) *and* 31 (*b*) *of Act II of* 1894.]

(ii) *Divisional officer's powers, when proprietor fails to report.*—If the proprietor fails to make the report referred to in the last sub-paragraph, the divisional officer may make the appointment himself, after giving notice to the persons concerned and making such inquiry as may be necessary. [*Act II of* 1894, *section* 11 (2).]

(iii) *Action on receipt of report.*—At any time within three months of the receipt of the report referred to in sub-paragraph (i), the divisional officer may disallow the appointment on the score of disqualification under section 10 (1) after recording his reasons [and after notice to the parties and such inquiry as may be necessary, if the supposed disqualification falls under *clause* (i) *and sub-clauses* (*c*), (*e*) *and* (*f*) *of clause* (ii)] and call on the proprietor to make a fresh appointment. If the proprietor does not do so within six weeks or if he again appoints a person who is disqualified, the divisional officer may make the appointment himself.

The Revenue Divisional Officer also has the power to disallow any appointment of a stranger under sections 12 *and* 13 *on the ground of his being unsuitable. He must give him notice, enquire of and about him and record reasons for holding him unsuitable.* [Act II of 1894, section 11 (1) and (2) and section 14 (2).]

G.O. 2341, Rev., d. 15-10-41. B.P. 42, Press, d. 21-8-42.
B.P. 5, d. 24-1-51.

5. *Resignation of village officers.*—Divisional officers have no power to allow the resignation of a village officer which has been duly accepted by the proprietor to be withdrawn at the option of the village officer, but they can refuse to act on the acceptance of the resignation if they are satisfied that the resignation was invalid as having been obtained by coercion, undue influence or fraud.

B.P. 139, d. 8-7-18.

6. *Rules of succession.*—The principles contained in paragraphs 4 and 6 of Standing Order No. 148 apply in their entirety to *hereditary* village officers governed by Act II of 1894 [*Act II of* 1894, *section* 10 (2) *and* (3)]. In making appointments to non-hereditary offices governed by the Act, the same principles should be followed as far as practicable.

7. *Temporary exclusion of next heir.*—When a vacancy in a hereditary village office is caused by the dismissal, removal or suspension of a village officer with a bar order under the provisions of section 12 of Act II of 1894, the authority by whom the last holder was dismissed, removed or suspended may direct that, until his death, reappointment, or return to duty, the office shall not be held by any undivided member of his family. This discretion should be exercised with great caution. If no divided member of the family who is fully qualified and suitable is available, a stranger who is fully qualified and suitable, may be appointed.

Note.—The principles laid down in paragraph 5 of Standing Order No. 148 apply to hereditary village offices governed by Act II of 1894.

Memo. No. 13004-M/50-9, Rev., d. 17-10-50. B.P. 3, Press, d. 17-1-51.

8. *Appeals against orders of appointment or selection.*—(i) No appeal lies against a selection to fill a newly created office under section 15 (1) or an appointment to an additional office under section 9 or a selection under section 15 (2) of Act II of 1894, nor can any suit be filed to set them aside.

(ii) When an appointment made by a proprietor under sections 9, 11, 12, 13 or 14 is disallowed, an appeal lies—

(*a*) to the Collector within one month from the date of the divisional officer's order disallowing the appointment, or

(*b*) to the Board of Revenue within three months, if the order disallowing the appointment, is that of the Collector. [*Act II of* 1894, *section* 11, *clause* (3), *and section* 14 (2).]

B.P. 113, Press, d. 29-8-34.

(iii) There is no second appeal in any of these cases, and no appeal at all against a proprietor's order of appointment under sections 9 to 14, which, however, is liable to be disallowed by the revenue officers if the person appointed is disqualified under section 10 (1) of Act II of 1894.

SECTION II.—PUNISHMENTS.

9. (i) *Powers of divisional officers and Collectors.*—Collectors or divisional officers may, of their own motion or on complaint and after enquiry, *record reasons and* (*a*) *suspend or remove the head of a village or a village accountant, if he petitions to be adjudged an insolvent or is adjudged an insolvent* and (*b*) fine, suspend, dismiss or remove any village officer (*including the village officers above referred to*) of class 2 for misconduct, neglect of duty, incapacity, non-residence in the village, or *for any other sufficient cause* and shall dismiss a village officer convicted of an offence of the kind mentioned *in sub-clause* (*e*) *of clause* (ii) *of sub-section* (1) of section 10 of Act II of 1894. [Act II of 1894, section 16 (2).]

(ii) *Powers of proprietor.*—The Act vests in the Board of Revenue discretion to empower proprietors to fine village accountants, headmen of villages, and village watchmen to the extent of Rs. 3 in each case for misconduct or neglect of duty as such village officer. Under this rule, such powers are conferred only on such individual proprietors as may be considered to be fitted for its exercise by education and general qualifications. Powers so conferred cannot be delegated to a manager or local agent. [*Act II of* 1894, *section* 16 (1).]

B.P. 316, d. 20-8-96.
B.P. 379, d. 6-10-96.
G.O. 2341, Rev., d. 15-10-41.
B.P. 148, d. 7-5-97.
B.P. 276, d. 13-11-08.
B.P. 42, Press, d. 21-8-42.

10. *Appeals against punitive orders*—(i) *First appeals.*—Against orders of a punitive nature an appeal lies—

(1) within one month to the divisional officer, if the punishment is a fine imposed by a proprietor under section 16 (1);

(2) within one month to the Collector, if the punitive order is one passed by the divisional officer; and

(3) within three months to the Board of Revenue, if the punitive order is one passed by the Collector. [*Act II of* 1894, *section* 16 (1) *and* (3).]

(ii) *Second appeals.*—A second appeal lies within three months to the Board of Revenue *against any order passed on appeal by the District Collector dismissing or removing a village officer* of class (2); there is no second appeal against any other punitive order. [Act II of 1894, section 16 (3), proviso.]

Note.—Paragraphs 18 to 22 of Standing Order No. 154 below regarding the manner in which the rules of limitation should be worked in regard to suits apply to appeals against executive orders.

G.O. 2341, Rev., d. 15-10-41. B.P. 42, Press, d. 21-8-42.

11. *Matters common to officers of classes* (1) *and* (2).—Paragraphs 8, 9, 10, 11 and the note under paragraph 12 of Standing Order No. 148 relating to the registration of minors, the selection of deputies, the enjoyment of their emoluments, the deputy's duty to instruct a minor, and the residence of village officers, apply equally to officers governed by Act II of 1894.

150. Appointment, punishment and removal of hereditary village officers of class (3)—*Power to appoint.*—The power to make an appointment to any one of the offices falling under class (3) vests entirely in the proprietor concerned. [*Act III of* 1895, *section* (11).]

B.P. 216, d. 28-6-97.

2. *Principle of succession.*—The succession to such offices should be determined with reference to the law or custom prevailing locally on the 1st October 1895. [*Act III of* 1895, *section* 11 (2).]

3. *Persons ineligible for appointment.*—Persons disqualified by minority (except such minors as may be registered) or by mental or physical incapacity are excluded from succession. [*Act III of* 1895, *section* 11 (1).]

G.O. Ms. 2760, Rev., d. 11-7-56.

4. *Registration of minors.*—Provision is also made for the registration of a minor heir of the last office-holder with a deputy to discharge the duties during his minority. [*Act III of* 1895, *section* 11 (4).]

5. *Finality of appointments.*—Appointments to offices falling under **class (3)** need not be reported to the divisional officer like those made, under **class (2)**, and there is no appeal against the proprietor's order of appointment, but a party deeming himself aggrieved by such an order may file a suit under section 13 of Act III of 1895.

6. *Punishment of officers of class* (3)—(i) *By proprietor.*—A proprietor may suspend, dismiss or remove a village officer of class (3) for misconduct, neglect of duty, incapacity, non-residence in the village or any other sufficient cause. [*Act III of* 1895, *section* 8.]

Note.—Practically vettis, nirgantis and shroffs are the only village officers who may thus be punished by a proprietor.

(ii) *By divisional officer.*—If, for reasons to be recorded in writing, the divisional officer is satisfied that the proprietor has neglected to exercise in an adequate manner the powers referred to in the preceding clause, the divisional officer may exercise them himself. [*Act III of* 1895, *section* 9.]

7. *Appeal against punitive orders.*—(i) Against orders of a punitive nature an appeal lies—

(1) within one month to the divisional officer in the case of orders passed by a proprietor dealing with the officers mentioned in paragraph 6, clause (i) ;

(2) within one month to the Collector in the case of orders passed by a divisional officer in virtue of the powers mentioned in paragraph 6 (ii) ;

(3) within three months to the Board of Revenue in the case of orders passed in the same circumstances by a Collector.

(ii) No second appeal is allowed in such cases. [*Act III of* 1895, *section* 23.]

151. Village officers of class (4).—The appointment, punishment and removal of holders of these offices are outside the scope of Acts II of 1894 and III of 1895 ; reference should accordingly be made to Standing Order No. 157 infra in Part II—" Matters outside the scope of the Acts."

152. *Cancelled.*

B.P. 279, d. 6-10-10.

153. Emoluments of village officers of classes (1) to (4)—*Emoluments inalienable.*—The alienation or attachment under judicial process of the emoluments of village officers is prohibited by section 5 of Madras Act III of 1895.

2. *Recovery of emoluments.*—Notwithstanding anything in Madras Act III of 1895 it is always open to the holder of a village office not falling under class 4 of section 3 of that Act to apply for the recovery of the emoluments of his office under section 52 of the Madras Revenue Recovery Act II of 1864, which provides that such emoluments may be recovered as an arrear of land revenue. In the disposal of an application from such a village officer under this section, the revenue officer is not prevented by anything in Act II of 1864 from making such enquiries as may be necessary in order to ascertain the amount of arrears actually due before proceeding to realize them ; he may thus practically decide the rate at which any fees are payable. If the divisional officer is satisfied that the fees claimed by the village officer are actually due by the ryots, he may then apply section 52 of Act II of 1864. [*Act III of* 1895, *section* 22.]

B.Ps. 229, d. 6-5-93 ; 45, d. 30-1-94 ; section 22, Act III of 1895.

G.O. Ms. 2256, Rev., d. 6-10-41. B.P. 132, Press, d. 3-12-41.

3. *Jurisdiction of civil courts in regard to emoluments.*—Section 21 of Act III of 1895 bars the jurisdiction of civil courts over claims to office or emoluments or the rate or amount of emoluments but a claimant for

emoluments consisting of land may file a suit in the civil court for the recovery of the land itself, [a] if, in a previous suit in the revenue court for the emoluments of the office, the parties have been at issue as to whether the emoluments consist of the land itself or of an assignment of revenue and the Collector has given the claimant a decree for the assessment only. A suit will also lie in the civil courts to set aside the decree of an appellate revenue court if the plaintiff has, as a defendant in the revenue court, pleaded that no emoluments are attached to the office and the appellate revenue court has disallowed such plea.[a]

[a] G.O. 3307, d. 12-10-10.

154. Suits by hereditary village officers of classes (1) to (4).

SECTION I.—CAUSE OF ACTION.

In case of officers drawing fixed salaries.—In the case of officers remunerated by fixed salaries, the suit will almost invariably be for the office, though on rare occasions it may be brought to recover salary which has been disbursed to another. [*Act III of* 1895, *section* 13.]

2. *Other officers.*—In the case of other offices a suit may be instituted for the office itself and for the recovery of inam land, arrears of grain or money fees and similar emoluments attached to the office. [*Act III of* 1895, *section* 13.]

3. *Unendowed offices in proprietary estates.*—Suits for unendowed offices in proprietary estates will not be maintainable until arrangements are made for the payment of money salaries to the village officers. [*Act III of* 1895, *section* 3.]

B.P. 25, d. 20-1-97.

4. *Suits by acting incumbents.*—Acting incumbents of village offices cannot sue for the recovery of the inams attached to their offices. [*Act III of* 1895, *section* 3.]

B.Ps. Mis. 3331, d. 23-11-98 ; Mis. 145, d. 12-1-99.

5. *Suits by persons ineligible for appointment.*—Suits by persons who manifestly could not hold office even if they were successful are untenable. [*Act III of* 1895, *section* 13 (2).]

6. *Suits for declaratory decrees.*—Suits for declaratory decrees cannot be entertained under Madras Act III of 1895 ; [a] but declaratory decrees passed under Regulation VI of 1831 may be executed under rule 60 (*d*) of the rules in Appendix I.[a]

B.P. 75, d. 11-5-03.
[a] B.P. 128, d. 24-11-28. [a] G.O. Mis. 2631, Rev., d. 8-11-28.

7. *Persons entitled to sue.*—The right to sue for an office is restricted to the heirs of the last holder of the office.

Note.—When the number of village officers in any village is reduced in the course of a general or special revision and some of the old officers are retained and the services of the others dispensed with, only the heirs of the former and not those of the latter may sue for vacancies arising subsequently.

B.Ps. 7, d. 8-1-96 ; Mis. 916, d. 15-3-99.

8. *Cause of action in suits for emoluments.*—In suits for emoluments the cause of action first accrues on the date of the plaintiff's appointment, and a fresh cause of action arises with the recurrence of every fresh period for which emoluments are due to the office-holder. It is immaterial for the purposes of such a suit in whose possession an inam happens to be, or how long it has been in such possession. Section 28 of the Limitation Act does not apply to emoluments attached to offices governed by Act III of 1895 and the alienation of such emoluments is prohibited by section 5 of the Act ; hence adverse possession, however long continued, cannot now confer a permanent title to them. The same was the case before the passing of Act III of 1895 in regard to all offices governed by Regulation VI of 1831 (i.e., all hereditary village offices except zamindari karnams) since the Limitation Act did not apply to such offices. Before Act II of 1894 was extended to offices in zamindaris on October 1st, 1897, zamindari karnams' offices were governed by Regulation XXIX of 1802, the Limitation Act applied to suits relating to them, and it was possible to obtain a permanent title to them by adverse possession under section 28 of that Act.

B.P. 372, d. 8-11-97. G.O. 3307, d. 12-10-10.

SECTION II.—PRINCIPLES ON WHICH SUITS SHOULD BE DECIDED.

9. *General.*—In deciding suits for offices revenue courts should be guided by the principles laid down for making appointments to offices of the particular class under consideration—vide Standing Orders Nos. 148—150 supra.

10. *Succession in the case of artisans.*—The succession to offices of class (4) should be determined with reference to the law or custom prevailing locally on the 1st October 1895. The provisions referred to in paragraphs 2, 4, 6, 8, 11, 12, 13, 15 to 23 and 25 apply to suits by officers of class (4). [*Act III of* 1895, *sections* 12 *and* 13.]

Note.—Under sections 12 and 13 of Act III of 1895 suits can be filed—

(1) for a village artizan office falling under section 3 of the Act and for the emoluments attached to it, when the plaintiff claims to be entitled under section 12 of the Act to hold the office ; or

(2) for the emoluments alone, if plaintiff is already holding the office.

In the first class of cases, the suit must be filed within three years of the cause of action arising, i.e., from the date on which another person obtains the office under colour of a legal claim to it.

In the second class of cases, if the emoluments consist of inam lands, the suit must be filed within three years of the date on which the plaintiff being the legal holder of the office commenced to discharge the duties attached to it. If the emoluments consist of the assessment on lands, or of customary fees (meras), a fresh cause of action arises with every fresh period for which the assessment or fee is due—and the suit to recover each payment must be filed within three years of the date on which it fell due.

Suits to recover emoluments can only be filed by persons claiming on the strength of hereditary right [Standing Order No. 157, 2].

B.P. Mis. 4112, d. 15-12-09.

11. *Suits for recovery of emoluments.*—If one of the facts in issue is whether the emoluments of the office consist of land or of an assignment of revenue payable in respect of the land, the claim must be decided by the Collector on the assumption that the assignment constitutes the emoluments, and in consequence the plaintiff, if successful, is entitled only to the assessment on the inam land. If, however, it is undisputed that the emoluments consist of the land, and the plaintiff succeeds in the suit, he is entitled to recover the land itself and its mesne profits.

Proviso to section 13 of the Act III of 1895 ; B.P. 139, d. 12-7-04.

*

Explanation.—Where the office is that of a village artizan or a village servant falling under class (4) in section 3 of the Madras Hereditary Village Offices Act, 1895 (Act III of 1895), and the land was on or at any time after the 14th July 1942, in the possession of the person then holding the office, the Collector shall, in the absence of evidence to the contrary, presume that the emoluments of the office consist of the land and not merely of an assignment of revenue payable in respect of the land.

G.O. Ms. 3078, Rev., d. 26-11-51. B.P. 48, Press, d. 24-12-51.

SECTION III.—REVIEW PETITIONS.

12. *Reviews inadmissible.*—No officer or authority who has once passed an order or decision in a suit brought under Madras Act III of 1895 should review or revise his own order or decision.

G.O. 3307, d. 12-10-10.

G.O. Ms. 2647, Rev., d. 20-12-37. B.P. 57, Press, d. 7-6-38.

SECTION IV.—APPEALS.

13. *First appeals.*—Against suit decisions or orders passed under section 13 of Act III of 1895 an appeal may be presented, within one month to the divisional officer or the Collector, and within three months to the Board of Revenue if the order was passed by the Collector.

14. *Second appeals.*—A second appeal within three months will lie to the Board of Revenue only in the case of headmen and karnams against suit decisions disposing of claims for office [a] or emoluments. [a] [*Act III of* 1895, *section* 23.]

[a] B.P. 77, d. 17-4-01.

15. *Against orders on ex parte decrees.*—A single appeal lies to the District Collector within one month from the date of receipt of an order refusing to set aside an *ex parte* decree. (Rule 38 of the rules framed under section 20 of Act III of 1895.)

B.P. 178, Press, d. 3-12-34.

SECTION V.—EXECUTION OF DECREES AND ORDERS.

16. *Period of limitation.*—(1) An application for the execution of a decree or order passed under Madras Act III of 1895 may be made within one year from the date of the decree or order. If the decree or order was appealed against, the limitation will begin from the date of the appellate decision or order. [*Act III of* 1895, *section* 14.]

(2) There is no appeal against orders passed on applications for the execution of decrees. [*Act III of* 1895, *section* 23.]

B.Ps. Mis. 4338, d. 21-9-96; 102, d. 29-3-97.

SECTION VI.—APPLICATION OF THE PROVISIONS OF THE COURT FEES ACT.

17. *Levy of Court fees.*—The following is a summary of main provisions governing the levy of court-fees in proceedings under Madras Act III of 1895 :—

(1) Plaints and written statements containing counter-claims should be stamped with court-fee labels of the value of 50 naye Paise.

G.O. No. 6030, Home, d. 21-11-39. B.P. 11, Press, d. 31-1-40.

Note.—The fee payable on these were reduced to 50 naye Paise by a notification issued in G.O. No. 6030, Home, dated 21st November 1939. With reference to the provisions of section 83 of the Madras Court Fees and Suits Valuation Act, 1955, this notification will continue to be in force until fresh notifications are issued under section 73 of the Act.

G.O. Ms. 2043, Rev., d. 28-5-56. G.O. Ms. 4660, Rev., d. 26-12-56.

(2) Memoranda of appeal to a Collector should bear court-fee stamps of the value of Re. 1.

Art. 3 (i) of Schedule II of the Madras Court Fees and Suits Valuation Act, 1955.

(3) Petitions for execution should be stamped with court-fee labels as indicated below :—

(i) Rs. 2 when presented to the Board.

(ii) Re. 1 when presented to the other officers of the Revenue Department.

Arts. 10 (*j*) (i) and 10 (*k*) (i) of Schedule II of the Madras Court-fees and Suits Valuation Act, 1955.

(4) Memoranda of appeal to the Board of Revenue should be stamped with court-fee label of the value of Rs. 2.

Art. 3 (ii) in Schedule II of the Madras Court Fees and Suits Valuation Act, 1955.

(5) Certified copies of judgments, decrees and orders should be stamped with court-fee label at the rate of 75 naye Paise for every document irrespective of the number of words involved.

[Art. 9 of Schedule II of the Madras Court-fees and Suits Valuation Act, 1955.]

G.O. Ms. 4660, Rev., d. 26-12-56.

(6) Applications filed by either party in the course of trial of suits or appeals or in the course of the execution of decrees are exempt from court-fees.

[Item 29 of Law (General) Department Notification No. 358, dated 10th September 1921.]

B.P. 11, Press, d. 31-1-40.

Note.—The above notification will continue to be in force until fresh notifications are issued under section 73 of the Madras Court Fees and Suits Valuation Act, 1955.

G.O. Ms. 2043, Rev., d. 28-5-56. Govt. Memo. 52200-N/56-2, Rev., d. 24-7-56.

SECTION VII.—LIMITATION.

18. *Applicability of the Limitation Act.*—Section 25 of the Madras Act III of 1895 read with section 29 (2) (*a*) of (India) Act IX of 1908, as amended by Act X of 1922, specifies the provisions of the Indian Limitation Act which apply to suits, appeals and applications under Madras Act III of 1895.

Note.—Sections 5 and 12 of the Indian Limitation Act, 1877, referred to in section 25 of the Madras Hereditary Village Offices Act III of 1895, correspond to sections 4, 5 and 12 of the Indian Limitation Act IX of 1908.

B.P. 2, Press, d. 7-1-37.

19. *Limitation for suits.*—A suit may be brought at any time within three years from the date of the cause of action arising. [*Act III of* 1895, *section* 14 (1).]

Explanation.—It may happen that the above period is still running although more than three years have passed after the occurrence of a vacancy, since some time ordinarily elapses between the occurrence of a vacancy and the appointment or registration of a successor. It is only when a person claiming an office is *injuriously affected*, as by the appointment or registration of a successor to the last holder, that his cause of action can be said to arise.

Notes.—(1) If a minor files a suit for the purpose of being registered as the heir of the last office-holder, he should do so within three years from the date of the cause of action arising; if he sues for the office itself, he may do so within three years after attaining majority. [a] A person domiciled in Indian Union shall be deemed to have attained majority on completing 18 years of age except when he is—

(i) a minor of whose person or property or both, a guardian, other than a guardian for a suit within the meaning of order XXXII of the Code of Civil Procedure (Act V of 1908), has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of 18 years.

(ii) a minor of whose property the superintendence has been or shall be assumed by the Court of Wards before that person has attained that age.

In the excepted cases, notwithstanding anything contained in the Indian Succession Act (X of 1865) or in any other enactment a minor shall be deemed to have attained his majority when he shall have completed the age of twenty-one years and not before. [a] [*Act III of* 1895, *section* 14 (1).]

[a] G.O. 343, Rev., d. 3-3-25. [a] B.P. 10, d. 17-3-25.
B.P. 84, d. 21-5-03.

(2) Although the right to a village office vests in the next heir on the occurrence of a vacancy, the office itself is not " held " by any one until an appointment is made. No cause of action for a suit can arise until an appointment is made, or a minor is registered as heir to the last holder.

B.P. 192, d. 23-8-09. B P. 17, Press, d. 9-3-33.
G.O. Ms. 2138, Rev. d. 20-10-32. B.P. 68, Press, 29-10-32.

(3) A probationary or acting appointment as village officer does not give rise to any cause of action for a suit. In such cases the claimants should either wait till a permanent appointment is made in accordance with the provisions of the Act before seeking remedy by a suit or should present a departmental appeal to the Collector requesting him to instruct the divisional officer to make an appointment in accordance with law.

B.P. 200, d. 27-8-09.

20. *Date from which limitation should be reckoned for appeal.*—The period of limitation for purposes of appeal should be reckoned from the date of communication of the order appealed against to the date of presentation of the appeal.

Explanation (1).—The date of communication of an order to a party is the date of the order itself when it is passed in his presence and is communicated to him in person ; in this case the time taken by the authority passing the order to grant a copy of it, after the party has applied for a copy and deposited the necessary copying papers, will be deducted from the period of limitation. In other cases the date of communication of an order is the date when he receives a certified copy thereof. No allowance should be made for the time taken in obtaining copies of connected records.

B.Ps. 243, d. 8-6-94 ; 87, d. 5-3-96.

Note.—Every authority passing an appealable order should see that the date on which the order is communicated or despatched to the party is clearly indicated on the face of the order.

B.Ps. 243, d. 8-6-94 ; 210, d. 26-6-95 ; 87, d. 5-3-96.

Explanation (2).—The date of presentation in the case of an appeal submitted through a subordinate officer is the date on which the appeal petition reaches the hands of such officer.

B.P. 210, d. 26-6-95.

21. *Time allowed for rectification of formal defect.*—When an appeal which was in time on its first presentation is rejected on technical grounds or for the correction of initial errors, the appellant should be directed to remedy the defects within a specified time, ordinarily one month, failing which the appeal will be liable to rejection on the score of limitation. If the appeal is resubmitted in proper form within the specified time, it should be re-admitted.

B.P. 39, d. 2-2-97.

22. *Admission of time-barred appeals.*—It is open to the appellate authority to admit an appeal presented out of time on good and sufficient cause being shown for the delay.

B.P. 493, d. 13-11-94 ; section 5 of the Indian Limitation Act IX of 1908 ; section 25 of Madras Act III of 1895.

SECTION VIII.—APPOINTMENTS MADE AND SUITS DECIDED UNDER REGULATIONS XXIX OF 1802 AND VI OF 1831.

23. *Declaratory decrees passed under Regulation VI of* 1831.—In the case of a decree of this description limitation will begin to run from the date when it becomes capable of execution, i.e., from the date of occurrence of a vacancy. In the event of the decree-holder being dead on that date, his heir and representative may, subject to the rules of limitation, apply for the execution of the decree under Rule 60 (*d*) of the rules in Appendix I. In any case it is unnecessary for the decree-holder or his representative to file a fresh suit in order that the decree may be renewed in his favour.

B.P. 75, d. 11-5-03. B.P. 128, d. 24-11-28.
G.O. Mis. 2631, Rev., d. 8-11-28.

24. *Appointments made under Regulation VI of* 1831.—Appointments to village offices properly made prior to the introduction of the Madras Proprietary Estates' Village Service Act II of 1894, or the Madras Hereditary Village Offices Act III of 1895, can be questioned only on the ground of inferior title and not on that of sex or other disability for the first time removed or created by those Acts.

B.Ps. 333, d. 1-9-96; Mis. 1690, d. 30-5-99.

25. *Suits and appeals filed under Regulation VI of* 1831.—Suits and appeals from the decisions passed under Madras Regulations XXIX of 1802 and VI of 1831 and pending disposal after the introduction of Madras Act II of 1894 or III of 1895 should be disposed of in accordance with the provisions of those Regulations and the rulings thereunder as far as *substantive law* is concerned, the provisions of Act II of 1894 or III of 1895 being followed only as regards *procedure*.

B.Ps. 188, d. 2-6-97; 104, d. 20-4-99.

PART II.—MATTERS OUTSIDE THE SCOPE OF THE ACTS AND REGULATIONS CONCERNING VILLAGE OFFICERS.

155. Matters applicable to all village officers, whether governed by statute or not—*Transfers of Village officers.*—No village officer should be transferred from the village where he holds office permanently to any other by way of promotion or punishment, but if a vacancy occurs to which the best claimant is a person holding a village office temporarily elsewhere, there is no objection to the selection of such a person for the vacancy.

In non-hereditary areas, mutual transfers of village officers* may be allowed within the same district when such transfers will be advantageous to the administration. The Collector of the district will be the authority to sanction such mutual transfers.

G.O. Ms. 1712, Rev., d. 10-6-50.
B.P. Press, 22, d. 26-6-50.

Note.—[a] When the post of karnam or headman falls vacant, an assistant karnam or assistant headman from another village may be appointed to it, in the absence of any heir or other person in the village itself thoroughly qualified for the appointment.[a]

[a] B.P. 115, d. 13-5-13.
B.P. Mis. 945, d. 16-3-99. B.P. Mis. 1105, d. 28-3-99.

2. *Grant of leave by Tahsildars and Deputy Tahsildars.*—Tahsildars and Deputy Tahsildars in independent charge are empowered to grant leave to village officers up to six months and to appoint substitutes for that period when satisfactory arrangements cannot be made for the performance of work by the agency of a relation or friend of the village officer taking leave and on his responsibility. In the case of village officers governed by Act II of 1894, the procedure prescribed in rule 10-B in Appendix V should be followed. Applications for leave for periods exceeding six months shall be dealt with by divisional officers. Monthly statements of leave and appointments sanctioned by Tahsildars and Deputy Tahsildars should be submitted to the divisional officer for confirmation, except in the case of last grade village officers.

Tahsildars and Deputy Tahsildars in independent charge are empowered to grant leave without limit to last grade village officers such as talayaris, vettis and nirgantis whose offices are not governed by statute and are also non-hereditary.

B.P. 46, Press, d. 1-5-35. B.P. 15, Press, d. 9-6-56.

Managers, Assistant Managers and Estate Taluk Officers of the grade of Tahsildars and Deputy Tahsildars shall exercise the powers of Tahsildars and Deputy Tahsildars under this Standing Order.

B.P. 148, d. 26-6-11.
G.O. 680, d. 14-11-98. B.P. 279, d. 18-9-15.
B.P. Mis. 570, d. 10-2-02. B.P. 64, d. 16-3-18.
G.O. 1223, Rev., d. 27-4-11. B.P. Press 9, d. 24-3-53.
G.O. Ms. 362, Rev., d. 7-2-53.

Note.—Salary to be allowed to substitute.—As a rule the full pay of the office should be disbursed to the substitute. When a karnam or a headman discharges the duties of the same office in two or more villages or of [a] another office in the same village in addition to his own, [a] he may, with the sanction of the Tahsildar or Deputy Tahsildar in independent charge, be granted the full pay of all the offices in question, provided the arrangement shall not in any case last for a longer period than three months—vide rules 66 and 70 in Appendix I.

[a] B.Ps. 46, d. 5-3-01 ; 292, d. 6-12-01.
B.P. 15, Press, d. 9-6-56.

3. *Grant of leave to last grade village officers by village headmen.*—Village headmen are empowered to grant leave to the last grade village officers for a period not exceeding three days at a time or fifteen days in a year, provided satisfactory arrangements are made for the performance of the work by substitutes.

G.O. 680, d. 14-11-98.
G.O. Ms. 2760, Rev., d. 11-7-56.

4. *Sanction to prosecute village headmen.*—Under section 197 of the Code of Criminal Procedure, Act V of 1898, as amended by the Code of Criminal Procedure (Amendment) Act XVIII of 1923, the sanction of the State Government is necessary for the criminal prosecution of village headmen for offences committed by them in their capacity as civil or criminal Judges.

G.O. Mis. 1189, Rev., d. 30-7-25. B.P. 42, d. 4-9-25.
G.O. Ms. 2760, Rev., d. 11-7-56.

5. *Conduct register.*—This register will be maintained in the offices of all Taluk Tahsildars and Independent Deputy Tahsildars for all classes of Village Officers in the form below :—

Name of the village .

Name and designation of the village officer. (1)	Nature of offence. (2)	Date when committed. (3)	Punishment. (4)	By whom ordered. (5)	Number and date of the order with signature of the Tahsildar or Taluk Head Accountant. (6)	Remarks. (7)

As this form is not printed, the register should be maintained in manuscript, as many pages being set apart for each village as there are village officers in the village and the villages being entered in alphabetical order.

When a village officer misconducts himself so as to deserve punishment, his explanation should be obtained in writing and written orders should be passed thereon. If a punishment is awarded it should be entered in his conduct sheet at once. A punishment imposed by a Revenue Divisional Officer should be communicated to the Tahsildar or Independent Deputy Tahsildar for entry in the Conduct Register. Entries in red ink relating to special good service may also be made in the Conduct Register. The registers should be scrutinized by the Revenue Divisional Officers when they inspect the Taluk offices.

Black Mark System.—The black mark is the smallest punishment awardable. It may be awarded by Revenue Officers not lower in rank than Tahsildars or Deputy Tahsildars in independent charge. It is not prescribed by law and may be awarded to headmen only. Section 7 (2) of Act III of 1895 authorises Tahsildars and Deputy Tahsildars to fine Village Officers ; they should not however exercise this power on headmen but should only award them black marks.

When a headman accumulates three black marks, the Tahsildar or the Deputy Tahsildar should consider it an indication that the headman's work should be examined to see whether he deserves more effective punishment on the next occasion when he offends.

B.P. 95, Press, d. 15-9-41.

6. *Infliction of fines on village officers.*—Fines imposed on village officers should not be excessive or too numerous. When a large number of village officers have been found jointly and severally guilty of the same irregularity, discipline is much more likely to be restored by the suspension o-

dismissal of a few of the principal offenders than by the wholesale infliction of petty fines. Habitual insubordination on the part of village servants in a particular taluk or division should be similarly dealt with.

B.P. 489, d. 17-8-91.
B.P. 447, d. 31-7-93.
B.P. 233, d. 10-6-14.
G.O. 282, d. 18-5-98.
B.P. 273, d. 30-9-13.
B.P. 177, d. 17-10-18.

7. *Punitive powers of settlement officers.*—A divisional officer conducting the revenue settlement (jamabandi) of a division other than his own may fine village officers for neglect, carelessness, disobedience of orders or absence without permission, only if specially empowered by the District Collector under clause (2) of section 3 of Madras Regulation VII of 1828 or under section 3 of Madras Act VII of 1857. The same rule will apply to special settlement or special assistant settlement officers who have been gazetted as assistants to the Collector or as special deputy collectors, in regard to the whole district. Should it, however, appear, to any such officer that the conduct of any village officer is deserving of punishment heavier than a fine, he should place on record his opinion and leave the matter to be dealt with by the divisional officer.

B.P. 523, d. 7-8-89.
G.O. 3313, d. 4-11-12.

Before imposition of any fine on a village officer at Jamabandi Settlement, the Jamabandi Officer should invariably obtain the written explanation of the village officer. In the case of delinquencies in which the public are intimately concerned, the punishment inflicted on the village officer may be pronounced by the Jamabandi Officer in public. But in the case of delinquencies in which the department is primarily concerned and the public are not directly concerned, the punishment awarded should not be pronounced in public.

G.O. Ms. 2702, Rev., d. 17-10-51.
B.P. Press 41, d. 7-11-51.

8. *Attendance of Village Officers at the Taluk Office, etc.*—(i) Village Officers should not be summoned away from their villages without good and sufficient cause. Whenever practicable, and invariably in matters of minor importance, information or explanation should be obtained from them by sending them a written order instead of requiring their personal attendance.

They should be summoned only when it is really necessary to do so. In order to ensure this, a Tahsildar or Deputy Tahsildar requiring the personal attendance of a Village Officer should himself sign the summons. If the Tahsildar or Deputy Tahsildar happens to be away in camp and it becomes necessary to summon a Village Officer owing to the special urgency of the matter, the head ministerial officer next in rank to the Tahsildar or Deputy Tahsildar should sign the summons and submit the file and the register referred to in the next sentence, to the officer concerned on his return to headquarters. A register of summonses issued to village officers should be maintained in each taluk or sub-taluk office and all summonses issued to village officers requiring their personal attendance more than five miles away from their villages should be entered in it in chronological order. The register should contain particulars

of the place to which the village officer has been summoned and the distance of the place from the residence of the village officer. Against each entry in the register, the officer signing the summons should record briefly the reasons for issuing it. The summons should be in duplicate and the summonee should be allowed to keep the copy and return the original to the office of issue.

(ii) To enforce strict compliance with this order the Revenue Divisional Officers should, during their inspection of subordinate offices, examine this register and check a fair percentage of the entries in it, not less than 10 per cent in the case of summonses issued by a Tahsildar or Deputy Tahsildar and not less than 20 per cent in cases where they are issued by a ministerial officer.

(iii) A Revenue Inspector, who finds it necessary to call village officers away from their villages, should maintain a register similar to that prescribed above for taluk and sub-taluk offices and should also record his reasons against each item entered in it. He should, in addition, obtain the signature of the village officer concerned in the last column of the register in token of the correctness of the entries made in it. With a view to see that village officers are summoned only very sparingly and for good reasons the Tahsildar or Deputy Tahsildar should scrutinize these registers once every quarter and submit a copy of his Inspection Notes to the Revenue Divisional Officer, who will watch the punctual receipt of the notes by assigning them a periodical number, and regularly review them.

(iv) It should be noted that the officer issuing a summons will be liable to disciplinary action in case it is found later by a superior officer that the summons was issued in contravention of these instructions or without sufficient cause.

G.O. Mis. 414, Rev., d. 21-2-49. B.P. Press 13, d. 9-4-49.

9. *No second appeal against orders outside the scope of the Act.*—No second appeal is open to village officers governed by Acts II of 1894 or III of 1895 against orders of a punitive nature outside the scope of these Acts.

B.P. Mis. 373, d. 31-1-99.

Note.—In regard to second appeals relating to village offices, not governed by statute, *see* paragraph 4 of Standing Order No. 156 below.

10. *Persons ineligible for village offices.*—The following persons are not eligible for village offices : (1) minors, (2) persons mentally or physically incapable of discharging the duties of the office or not possessing the prescribed educational qualifications, (3) *persons who have petitioned to be adjudged insolvents if the petitions are pending disposal, and persons who having been adjudged insolvents have not obtained an order of discharge,* (4) persons who have been convicted in a criminal court of an offence which the Divisional Officer or Collector considers so serious as to constitute a disqualification and (5) persons who have been dismissed from any post under the Government on any ground which the Divisional Officer or the Collector considers sufficient to disqualify him for holding

the office. Illiterates should be regarded as mentally incapable of discharging the duties of headman or karnam and therefore ineligible to be appointed as such. [*Acts II of* 1894 *and III of* 1895, *section* 10 (1).]

G.O. 2341, Rev., d. 15-10-41. B.P. 97, d. 10-3-96.
B.P. Press 5, d. 24-1-51. B.P. Press 42, d. 21-8-42.
G.O. Ms. 188, Rev., d. 23-1-52. B.P. Press 2, d. 12-2-52.

11. *Property qualification for headmen.*—It is desirable that village headmen should be men of some property, but poverty is not a legal disqualification, under either Act II of 1894 or III of 1895. If the next heir to a *hereditary* post of village headman, though a man of no means, is otherwise qualified, he must be appointed. For *non-hereditary* posts of village headmen, men of property should always be selected.

G.O. Ms. 2102, d. 3-9-48. B.P. Press 11, d. 4-4-49.

12. *Headmen and karnams not to be close relations.*—(i) Two offices cannot be held by the same person permanently; [as to temporary appointments, *see* note to Standing Order No. 155 (2)]. The principle that the headman and karnam should not be related closely to each other should be followed as far as is consistent with recognition of legal claims.

(ii) *Appointment of close relations as village officers of adjacent villages.*—In areas to which the Act does not apply, the principles laid down in sub-paragraph (i) above may be followed in regard to the appointment of village officers in adjacent villages and the appointing authority may, for reasons to be recorded in writing, overlook the claims of persons on the ground that they are closely related to village officers in adjacent villages to such a degree that their appointments is likely to interfere with the administration.

G.O. Ms. 3010, Rev., d. 19-10-54. B.P. Press 31, d. 5-11-54.

13. *Residence of village officers.*—The note under paragraph 12 of Standing Order No. 148 applies to all village officers alike.

14. *Powers of certain officers appointed under the Madras Estates (Abolition and Conversion into Ryotwari) Act,* 1948—(i) *Managers of estates.*—(*a*) Managers of estates who are not below the rank of a Deputy Collector and who are appointed under section 6 of Madras Act XXVI of 1948 are authorized to exercise the powers of a Collector under the Madras Hereditary Village Offices Act III of 1895 and also to exercise similar powers over non-statutory village officers. The Revenue Divisional Officer of the division in which the estate is situated shall not exercise such powers in respect of the village officers in the estate.

(*b*) Managers in the grade of tahsildar or deputy tahsildar are authorized to exercise the same powers as regular tahsildars or deputy tahsildars in the matter of punishment of village officers in the estates taken over by the Government. If any heavier punishment is called for, they will take up the matter with the Revenue Divisional Officers concerned. The regular tahsildars and deputy tahsildars who will continue to exercise other functions in the area comprised in the estate shall not exercise their powers of punishment over these village officers.

(ii) *Settlement and Assistant Settlement Officers.*—Settlement Officers appointed under section 5 (1) of Madras Act XXVI of 1948 and the Assistant Settlement Officers working under the Settlement Officers are authorized to exercise the powers of a Collector under the Madras Hereditary Village Offices Act III of 1895 to fine village officers. They are authorized to exercise similar powers over non-statutory village officers. If any heavier punishment is called for, they will take up the matter with the Manager of the estate if he is not below the rank of a Deputy Collector and in other cases with the Revenue Divisional Officer concerned.

G.O. Ms. 1011, Rev., d. 3-4-52. B.P. Press 12, d. 22-5-52.

15. *Powers of Assistant Managers and Estate Taluk Officers appointed under the Madras Estates (Abolition and Conversion into Ryotwari) Act,* 1948.—(i) Assistant Managers and Estate Taluk Officers of the grade of tahsildars and deputy tahsildars shall have the same powers as regular tahsildars and deputy tahsildars in the matter of punishment of village officers in the estates taken over by the Government.

G.O. Ms. 2760, Rev. d. 11-7-56.

(ii) The regular tahsildars and deputy tahsildars who will continue to exercise other functions in these areas shall not exercise their powers of appointment or punishment over these village officers.

G.O. Mis. 362, Rev., d. 7-2-53. B.P. Press 9, d. 24-3-53.

156. Appointment, punishment and removal of holders of village offices not governed by statute other than non-hereditary artisans.—

1. *Village offices not governed by statute and also non-hereditary.*—The following offices are not governed by statute and are also non-hereditary :—

(1) A. All village offices in ryotwari villages or inam villages grouped with ryotwari villages throughout the districts of Tanjore and the Nilgiris, and in the districts of Tiruchirappalli and Salem with the following exceptions :—

Tiruchirappalli.

(*a*) the villages transferred from the Madurai district by G.O. No. 630, Revenue, dated 19th June 1856, and now forming part of the Kulittalai taluk of the Tiruchirappalli district ;

(*b*) the villages transferred from the Coimbatore district by G.O. No. 2993, Revenue, dated 10th September 1910, and now forming part of the Karur taluk of the Tiruchirappalli district ;

(*c*) the villages transferred from the South Arcot district by G.O. No. 629, dated 14th May 1858, and now forming part of the Udaiyarpalaiyam taluk of the Tiruchirappalli district ;

Salem.

(*d*) the ten villages transferred from the Coimbatore to the Salem district by G.O. Press, No. 2348, Revenue, dated 21st November 1927, and now forming part of the Omalur taluk of the Salem district ;

G.O. Mis. 4660, Rev., d. 26-12-56.

B. The village offices in the undermentioned villages *only* of the South Arcot and the North Arcot districts :—

(*a*) the three villages of Muttam, Movur and Virandapuram transferred from the Tiruchirappalli to the South Arcot district by G.O. No. 629, Revenue, dated 14th May 1858, and those transferred in G.O. No. 1068, Revenue, dated 1st September 1880 ;

(*b*) the ryotwari villages transferred from the Salem to the North Arcot district by Government Notification No. 129, dated 7th March 1911, and now forming part of the Tiruppattur taluk, the village of Chandrapuram being excluded.

B.P. 30, Press, d. 22-3-38.
G.O. M's. 780, Rev., d. 19-2-57.
Govt. Memo. No. 1936) V-57-1 Rev., d. 14-3-57.

(2) All village offices when held temporarily or on probation.

(3) The office of assistant karnam in ryotwari tracts in all districts except the office of an assistant karnam newly created under section 6 (1) of Madras Act III of 1895 which is hereditary if any of the offices which it replaced was hereditary. [a]

G.O. 2632, d. 30-8-11. [a] B.P. 250, d. 26-9-11.

(4) In Coimbatore, the office of niranies under the Kalingarayan channel.

(5) New offices created at the revision of village establishments in ryotwari tracts and not falling under section 6 (1) of Act III of 1895.

(6) The office of vetti created at the revision of village establishments in proprietary estates not being inam villages which have been grouped with ryotwari villages.

B.P. 91, d. 2-5-18. G.O. Ms. 2760, Rev., d. 11-7-56.

Note.—The following paragraphs of this Standing Order deal with the offices of the classes enumerated above with the exception of the offices of hereditary village artisans which are dealt with in Standing Order No. 157, and offices of the other classes enumerated above in *proprietary estates* over which revenue officers have no control.

2. *Officers empowered to appoint and punish.*—(1) Appointments of village headman, karnam and assistant karnam are made by divisional officers who have full power to inflict punishment on all classes of village officers and servants. [a] Tahsildars and deputy tahsildars are empowered to fine village officers [b] other than headmen and village munsifs [b] to the extent of one rupee in each case. This power may be exercised by special tahsildars and special deputy tahsildars also [a]. [b] In the case of headmen and village munsifs, tahsildars and deputy tahsildars are empowered to award black marks and to maintain conduct registers [b]. Tahsildars and deputy tahsildars in independent charge are empowered to appoint and remove last grade village officers such as talaiyaris vettis and nirgantis. The appointment, etc., of non-hereditary village artisans are governed by Standing Order No. 157.

[a] G.O. Mis. 1747, Rev., d. 25-7-19. [a] B.P. 82, d. 4-8-19.
[b] G.O. Mis. 271, Rev., d. 9-2-29. [b] B.P. 16, d. 1-3-29.
B.P. 46, press, d. 1-5-35. G.O. Ms. 2760, Rev., d. 11-7-56.

(2) Divisional Officers are empowered to suspend village officers from duty pending enquiry into the charges to be framed against them. They should see that the village officers are not kept too long under suspension pending the disposal of the case against them.

If after enquiry it is proposed to punish the village officers the period of suspension should, if the punishment imposed is suspension, removal or dismissal, be regularized 'by including the period' in the substantive punishment imposed. If the punishment imposed is one of fine, the period of suspension should be converted into one spent on leave. If the Competent Authority decides to drop the charges, he may convert the period of suspension into one spent on leave or, if the circumstances warrant it, he may order the payment of such pay as he may deem fit for the period of suspension.

B.P. Press 13, d. 18-5-56.

G.O. Mis. 1816, Rev., d. 27-6-53. B.P. Press 16, d. 1-9-53.

G.O. Ms. 1768, d. 2-5-56.

G.O. Ms. 2760, Rev., d. 11-7-56.

Note.—A resident of the village or of an adjacent village who has a military record should be given preference over others in connexion with appointment to village offices which are not hereditary provided he has passed the tests prescribed for the post for which he applies and provided other things are equal and he is considered suitable in all other ways for the efficient discharge of his duties as a village officer in the locality.

B.P. Press 30, d. 14-10-43.

3. *Appeals against orders of appointment.*—Claimants to these village offices being unable to obtain redress by the institution of suits under Act III of 1895 are allowed a single appeal against departmental orders of appointment. Where, however, the order of the Divisional officer appointing a particular person is set aside by the Collector and another person is appointed, an appeal to the Board by the person prejudicially affected by the Collector's order will be allowed. Appeals should not be admitted in regard to claims to temporary vacancies.

B.P. Press 16, d. 19-7-46.

Appeals relating to claims to appointment as deputy will not ordinarily be admitted. Guardians of registered minors in ryotwari areas will, however, be allowed a single appeal against a Revenue Divisional Officer's order appointing a deputy not acceptable to the minor's family. A single appeal will also be allowed to a deputy removed when one minor is registered for an office in succession to another.

B.P. Mis. 505, d. 11-4-22. B.P. Press 8, d. 20-1-37.

4. *Appeals against punitive orders*—(i) *Headmen and karnams.*—(*a*) Against orders imposing petty fines, no appeal will lie at all.

(*b*) Against orders imposing fines which are not petty in nature and against orders of suspension, only one appeal will lie and the appeal will be to the next higher authority.

(*c*) When on an appeal filed under clause (*b*) above, the punishment imposed by the Revenue Divisional Officer is enhanced by the Collector to one of removal or dismissal, an appeal will lie to the Board of Revenue against such enhancement of punishment.

(*d*) Against an order of removal or dismissal passed by the Revenue Divisional Officer, an appeal will lie to the Collector and a second appeal will lie to the Board of Revenue against the Collector's order on appeal confirming the order of the Revenue Divisional Officer. An appeal will lie to the Board of Revenue also against an order of removal or dismissal passed by the Collector himself.

(ii) *Last grade village officers* (*vettis, talayaris, etc.*).—(*a*) Against orders imposing petty fines, no appeal will lie at all.

(*b*) Against all other punitive orders, only one appeal will lie and the appeal will be to the next higher authority.

Note.— For purposes of this paragraph, a fine of one rupee or less will be treated as a petty fine.

5. *Time-limit for appeal petitions*.—The time for presenting appeals to the Collector or the Revenue Divisional Officer is one month from the date of communication of the order to the party concerned. In the case of appeals to the Board of Revenue, the time allowed is three months from the date of communication of the order. The Appellate Authority concerned may, however, admit appeals presented out of time on good and sufficient cause being shown for the delay.

G.O. Ms. 2760, Rev., d. 11-7-56. B.P. Press, 24, d. 29-6-51.

156-A. Powers of revision.—1. Nothwithstanding anything contained in Standing Order No. 156 (3) and (4), the Government in respect of an order passed by the Board of Revenue and the Board of Revenue in respect of an order passed by any authority subordinate to it, may either *suo motu* or on the application of an aggrieved party and for reasons to be recorded in writing, annul, modify, reverse or remit for reconsideration such order on any of the following grounds, namely :—

(i) that the order is vitiated by illegality, material irregularity, obvious error resulting in miscarriage of justice or want of jurisdiction ; or

(ii) that the Board of Revenue or any authority subordinate to it, as the case may be, has acted in contravention of any existing instructions on the subject or has failed to exercise jurisdiction vested in it ; or

(iii) that a punishment not contemplated in the rules is imposed on a village officer, for example, debarment from future appointment permanently or for a specified period : or

(iv) that the punishment imposed on a village officer is out of proportion to the gravity of the offence:

Provided that this Standing Order shall apply only to permanent appointment or punishment of village headman and karnam ;

G.O. Ms. 780 Rev. d. 19-2-57 and
Govt. Memo. 19369U/57-1 Rev., d. 14-3-57.

Provided further that no order prejudicial to any party shall be passed unless he has had a reasonable opportunity of making his representations.

2. Notwithstanding anything contained in the foregoing provisions or elsewhere the Government or the Board of Revenue, as the case may be, shall have power to stay the execution or suspend the operation of any order pending the exercise of the powers under this Standing Order.

3. An application which does not satisfy any of the grounds specified in items (i) to (iv) of clause (1) or which is made more than sixty days after the date of receipt of the order against which it is made shall be rejected *in limine*.

4. Applications for revision which were pending before the Board of Revenue or the Government, as the case may be, on the 17th January 1955 or which were preferred before the date of issue of this Standing Order and after the 16th January 1955 shall be deemed to have been made under this Standing Order:

Provided however that nothing contained in this Standing Order shall affect the finality of any order passed by the Board of Revenue or the Government in any application for revision, before the date of issue of this Standing Order.

G.O. Press 2997, Rev., d. 29-9-55. B.P. 20, Press, d. 10-10-55.
B.P. Press 14, d. 7-6-56.

157. Appointment, punishment and removal of hereditary and non-hereditary village artisans—*Power of Revenue Officers to appoint or punish.*—When a person on whom a village artisan's office has devolved by legal or customary right makes default in respect of service, the revenue officer cannot ordinarily interfere in order to appoint a successor; nor are revenue officers in general empowered to punish village artisans.

B.Ps. 99, d. 29-3-97; 115, d. 7-3-97; 223, d. 6-7-97; Mis. 3071, d. 1-11-98.
(Govt. Memo. 51061-M-49-1, Rev., d. 31-8-49.)
B.P. Press 8, d. 9-2-51.

2. *Appointment of strangers.*—A stranger appointed to, or taking up, a vacant office of village artisan will hold it, subject to the contingencies mentioned in paragraph 6 (ii) of Standing Order No. 148 supra, but he cannot sue for the emoluments of the vacant office.

B.Ps. Mis. 3071, d. 1-11-98; Mis. 145, d. 12-1-99.

Note.—The rules for the disposal of inams held by artisans who have made persistent default in respect of their service are laid down in paragraph 2 of Standing Order No. 55.*

G.O. 2693, d. 15-8-10. B.P. 279, d. 6-10-10.
G.O. 3307, d. 12-10-10.

* B.S.Os., Vol. II.

157-A. Village Officers' Special Test Examinations—*Remuneration to examiners.*—[a] Collectors have been [a] empowered to sanction honoraria to officers conducting Village Officers' Special Test Examinations [b] subject to a limit of Rs. 250 in each case when the examination is not self-supporting [b], provided that budget provision exists and that the amount to be paid is in accordance with the scale noted below :—

	RS.	NP.
For each question paper set	15	00
For each answer paper valued when the number exceeds 25	0	25

Remuneration for valuation of papers should not be granted in cases where the number of papers valued by an officer does not exceed 25. Only divisional officers and tahsildars may be selected and remunerated as examiners, and Collectors should see that the papers to be valued are distributed as evenly as possible among divisional officers and tahsildars.

Memo. 3710 C-26-1, Rev., d. 6-11-26.
G.O. Mis. 2967, Rev., d. 19-12-28.
G.O. Mis. 246, Rev., d. 6-2-29.
[a] G.O. Mis. 1689, Rev., d. 5-9-30.
[a] B.P. Mis. No. 2769, d. 23-9-30.
G.O. Mis. 2297, Rev., d. 30-10-31.
B.P. 2, d. 7-1-27.
B.P. Mis. 46, d. 7-1-29.
B.P. Mis. 487, d. 15-2-29.
[b] G.O. Mis. 546, Rev., d 24-3-30.
[b] B.P. Mis. 971, d. 27-3-30.
B.P. Mis. 3753, d. 26-11-31.
G.O. Mis. 4660, Rev, d. 26-12-56.

APPENDICES TO CHAPTER XII.

APPENDIX I.

[Standing Order No. 147, paragraph 4.]

Rules under section 20 of the Madras Hereditary Village Offices Act III of 1895.

In exercise of the powers conferred by section 20 of the Madras Hereditary Village Offices Act III of 1895, the Board of Revenue has been pleased, with the approval of Government, to make the following rules and frame the following forms :—

Under clause (i)—The division, grouping and amalgamation of villages.

1. Any two or more villages or portions thereof may be grouped or amalgamated so as to form a single new village, when the distance between the village sites does not exceed a mile and a half :

Provided that if there are outlying hamlets of importance more than $1\frac{1}{2}$ miles from the new head village, the grouping or amalgamation shall not be carried out.

2. Uninhabited or insignificant villages and those in which the lands are so intermingled that the boundaries cannot well be separated may be grouped, though the distance limit is exceeded.

3. Each new village shall have a headman and at least one talaiyari or vetti ; but if the importance of any of the minor villages demands it, a separate talaiyari to reside and keep watch in such minor village may be appointed.

4. Karnams' charges may be formed by grouping several villages, whether amalgamated or not.

5. Any village may be divided into two or more villages whenever it appears that such a course is desirable as a matter of administrative convenience.

6. Proposals for the grouping, amalgamation or division of villages shall, in the first instance, be published by the Collector in the gazette of the district concerned together with a notice calling on the persons interested to state in writing, their objections, if any, to the proposals within a period of not less than one month from the publication of such notice. A copy of the notice shall also be affixed in some conspicuous part of the village or villages likely to be affected. On the expiry of the period aforesaid, the Collector shall submit his proposals to the Board of Revenue with an abstract of the objections, if any, received, and his remarks thereon. The Board shall consider such objections and pass on the proposals such order as it may deem fit, which shall thereupon be final. A copy of such order shall be published in the gazette of the district concerned.

Under clause (ii)—The holding of inquiries under sections 6, 7 and 8 and the hearing of appeals under section 23.

(*a*) *Inquiries under sections 6, 7 and 8.*

7. *Section* 6.—In selecting persons to fill the new offices created under section 6 (1) the Collector shall be guided by the provisions of section 10 (1). Nominations should be made in the forms appended (*see* Appendix III).

G.O. Mis. 1638, Rev., d. 28-9-30. B.P. 62, d. 10-0-30.

8. *Sections* 7 *and* 8.—(1) Enquiry under sections 7 and 8 of Act III of 1895 shall be made in the manner laid down below, except in trivial cases such as fines. Appx. I.

(2) The grounds on which it is proposed to take action against a village officer shall be reduced to the form of a definite charge or charges which shall be communicated to him ; and he shall be required to appear on a day to be fixed, before the revenue officer or proprietor to answer the charge or charges. On that day, the village officer shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry. An oral enquiry shall be held, if such an enquiry is desired by the village officer. At that enquiry, oral evidence shall be heard as to such of the allegations as are not admitted by the person charged and he shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses as he may wish called, provided that the officer conducting the enquiry, may, for reasons to be recorded in writing, refuse to call a witness. Documentary evidence shall be properly proved. After the enquiry has been completed, the person charged shall be entitled to put in a further written statement of his defence. If the charges are admitted, or no oral enquiry is desired, the revenue officer or proprietor may dispose of the charges on merits.

(3) If a further enquiry is to be conducted, the revenue officer or proprietor shall arrive at a provisional conclusion in regard to the punishment it is proposed to impose and the village officer shall be called upon to appear on a certain day to be fixed by him to show cause against the particular punishment proposed to be imposed. On that day, the revenue officer or proprietor shall record his plea and shall ask him to state if he wants to resummon and to re-examine any of the witnesses in his presence. If the village officer charged desires that any of the prosecution witnesses or defence witnesses should be re-examined or any new witness should be examined, they should be examined and the revenue officer or proprietor shall do so in the presence of the village officer, who shall be allowed to cross-examine the prosecution witnesses. The revenue officer or proprietor may refuse to call a witness for reasons to be recorded in writing.

(4) An enquiry may be made in the absence of the village officer charged, when the revenue officer or proprietor holding the enquiry is satisfied, for reasons to be recorded, that the village officer has intentionally or contumaciously absented himself from the enquiry or that he is incapable, by reason of illness, from attending the enquiry within a reasonable time from the date of the order directing him to appear and answer the charges, or where it is for other reasons, impracticable to communicate with him.

(5) An enquiry under section 7 (1) of Act III of 1895 may also be conducted by an officer not below the rank of a Tahsildar, or a Deputy Tahsildar, in independent charge. If the enquiring officer is below the rank of a Revenue Divisional Officer, he shall conduct a preliminary enquiry as provided in sub-rule (2) above and submit the records to the Revenue Divisional Officer or Collector, as the case may be, with a report containing his findings. The Revenue Divisional Officer or Collector, after considering the report, may pass orders dropping the charges or may conduct further enquiry as in sub-rule (3) above.

G.O. Ms. 2810, Rev., d. 28-10-50. B.P. Press 35, d. 15-10-51.

(6) Where the village officer or servant has been sentenced to imprisonment for an offence which in the opinion of the Collector disqualifies him for holding the office it shall not be necessary to record evidence or to give him a personal hearing.

G.O. Ms. 240, Rev., d. 9-3-43. B.P. Press 16, d. 14-8-43.

Appx. I. 9. In passing orders on the case, the revenue officer or the proprietor, as the case may be, shall briefly sum up the evidence on the several charges, and record in English or in the regional language a distinct order of acquittal or conviction on each charge with a concise statement of the reason therefor and the sentence passed on conviction.

G.O. Ms. 2760, Rev., d. 11-7-56.

10. At the foot of the order, the date on which the time allowed for preferring an appeal expires shall be clearly specified, and a copy of the order shall be furnished free of charge to the village officer or servant concerned.

(b) *Hearing of appeals under section* 23.

11. When an appeal is preferred from an order passed under sections 6, 7 or 8, the memorandum of appeal shall set forth concisely and under distinct heads the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively. The memorandum of appeal shall be accompanied by the copy of the order furnished to the petitioner under rule 10 above or by an authenticated copy of such order.

12. When a memorandum of appeal is admitted, the appellate authority shall fix a date for the hearing of the appeal, and shall give due notice thereof to the appellant.

13. When the appeal is from an order passed under section 6, due notice thereof and the date of hearing shall be served upon the person whose appointment is objected to, who shall be the respondent in the said appeal. Such notice shall declare that if he does not appear on the day so fixed, the appeal will be heard *ex parte*.

14. On the day so fixed, or any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. When the appeal is from an order passed under section 6, the respondent shall also be heard if present.

15. When an appeal is heard *ex parte* in the absence of the respondent and decision be given against him, he may apply to the appellate authority to re-hear the appeal, if he proves that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing.

16. If the appellate authority consider that further evidence is necessary, it may take such evidence itself or may direct the officer whose order is appealed against to take the additional evidence and to transmit the record thereof to the appellate authority by a specified date. It may also issue orders staying the execution of the orders passed under sections 6 and 7 of the Madras Hereditary Village Offices Act, 1895, which are appealed against, pending the final disposal of such appeals.

G.O. Ms. 677, Rev., d. 12-2-57.

17. In all cases where additional evidence is directed or allowed to be taken,[a] the appellate authority shall specify the points to which the evidence is to be confined.

18. Nothing in rules 12 to 17 shall prevent the appellate authority from rejecting an appeal summarily if, on perusal thereof and after hearing the appellant, it considers that there is no sufficient ground for interference. Nor shall an enquiry be held to be defective merely by reason of the non-observance of all the formalities laid down in rule 8 supra, unless it shall appear to the appellate authority that the appellant has thereby been materially prejudiced.[a]

[a] B.P. 264, d. 14-11-02.

If the appellate authority notices that the enquiry is defective by non-observance of the rules and that it has materially prejudiced the appellant, it can remand the case back to the subordinate officer for fresh enquiry and disposal. Appx. I.

G.O. Ms. 7, Rev., d. 2-1-54. B.P. Press 35, d. 12-11-54.

19. The officer hearing the appeal shall record his decision and the reasons therefor in his own hand in English and shall furnish a copy of it free of charge to the appellant as well as to the officer or proprietor.

20. Rules 11, 16, 17 and 19 shall apply to appeals preferred to the Board of Revenue. The memorandum of appeal shall be accompanied by the copies of the orders furnished to the appellant under rules 10 and 19 above or by authenticated copies of such orders.

G.O. Ms. 1160, Rev., d. 14-5-51. B.P. Press 44, d. 16-11-51.

Under clause (iii)—*The educational qualifications required of the holders of village offices forming class* (1) *in section* 3.

21. [k] No person shall be eligible for appointment to the office of karnam or headman, unless he is qualified in accordance with the following educational tests, viz. :—

Karnam.

Village Officers' Special Test in—

(*a*) Village Manual of Accounts,
(*b*) Powers and Duties of Village Officers, and
(*c*) Survey.

A pass in the Revenue Test, Parts I and II, together with satisfactory completion of the survey training prescribed for revenue subordinates shall be deemed to be a pass in the Karnam's Test.

G.O. Ms. 166, Rev., d. 28-1-44. B.P. Press 12, d. 8-6-44.
B.P. 30, Press, d. 12-3-41.

Headman.

Either the Village Officer's Special Test in—

(*a*) Powers and Duties of Village Officers, and
(*b*) Village Sanitation,

or such oral examination as the divisional officer shall direct in order to satisfy himself that the candidate possesses sufficient literary education to perform the duties of a village headman provided that minors [d] registered under section 10 (5) of the Madras Hereditary Village Offices Act III of 1895 [a] shall be required to pass the Village Officer's Special Test prescribed for headman.[k]

[a]B.P. 149, d. 6-6-06. [k]B.P. 63, d. 10-8-29. [d]B.P. 220, d. 22-7-15.
[a]B.P. 139, d. 11-12-28. B.P. 29, d. 31-3-22.

22. [c]The above rule shall not apply to village officers who were in office on 1st July 1898 or to their heirs who on that date were above the age of 18 and whose names were registered in the office of their divisional officers on or before 1st July 1897.[c]

[c]B.P. 159, d. 27-7-09.

Appx. 1. *Under clause* (iv)—*The procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connexion therewith.*

(*a*) *Suits.*

23. Every suit under section 13 (1) of the Act shall be instituted by presenting to the Collector a plaint which shall be in English or in the regional language.

G.O. Ms. 2760, Rev., d. 11-7-56.

24. The plaint must contain the following particulars :—

(*a*) The name of the court in which the suit is brought ;

(*b*) the name, description, age and place of residence of the plaintiff and his educational qualifications ;

(*c*) the name, description and place of residence of the defendant so far as they can be ascertained ; [a] if the defendant is a minor, the name, description, and place of residence, [b] as far as ascertainable, [b] of his guardian who should be made the active defendant [a] ;

(*d*) a plain and concise statement of the circumstances constituting the cause of action and when it arose ;

(*e*) the nature of the plaintiff's claim and the provision of law under which it is made ; and

(*f*) a demand of the relief which the plaintiff claims.

[a]B.P. 57, d. 13-3-02. [b]B.P. 103, d. 5-5-02.

24-A. [c] If the suit is for a village office, the plaintiff shall join as defendants all persons who, he knows or has reason to believe, are nearer heirs than himself to the office.[c]

[c]B.P. 57, d. 13-3-02.

25. The plaint shall be accompanied by as many copies or concise statements thereof as there are defendants and shall be signed and verified at the foot by the plaintiff.

26. The plaint shall be rejected in the following cases :—

(*a*) If the plaintiff is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894 ; or under sub-section (1) of section 10 or sub-section (1) of section 11 of the Madras Hereditary Village Offices Act, 1895 ;

(*b*) if the suit appears from the statement in the plaint to be barred under section 14 of the Madras Hereditary Village Offices Act, 1895, or by any positive rule of law ;

(*c*) if the relief prayed for is a mere declaratory decree ;

(*d*) if the plaint having been returned for amendment within a specified time, is not amended within that time ;

(*e*) [d] if the plaintiff fails to act in obedience to an order issued by the Collector under rule 34-A infra.[d]

When a plaint is rejected by the Collector, he shall record the reason for his order.

[d]B.P. 57, d. 13-3-02.

27. When the Collector is of opinion that a plaint does not comply with the requirements of rules 23, 24,[e] 24-A [e] and 25, he may either return it to the plaintiff, or may permit the plaintiff to amend it. Appx. I.

[e] B.P. 57, d. 13-3-02.

27-A. [f] If, at any time after the institution of a suit, the court is satisfied on the application of the plaintiff (*a*) that the suit must fail by reason of some formal defect, or (*b*) that there are sufficient grounds for permitting him to withdraw from the suit, or to abandon part of his claim, with liberty to bring a fresh suit for the subject-matter of the suit, or in respect of the part so abandoned, the court may grant such permission, on such terms as to costs or otherwise as it thinks fit.

If the plaintiff withdraw from the suit, or abandon part of his claim, without such permission, he shall be liable for such costs as the court may award, and shall be precluded from bringing a fresh suit for the same matter, or in respect of the same part. Nothing in this rule shall be deemed to authorize the court to permit one of several plaintiffs to withdraw without the consent of the others.[f]

[f] B.P. 2, d. 9-1-09.

28. A plaintiff must file with his plaint all documents in his possession or power upon which he relies as evidence in support of his claim.

29. When the plaint is admitted and the necessary process fee is paid by the plaintiff, the Collector shall issue a summons to each defendant and shall forward therewith a copy of the plaint or a concise statement mentioned in rule 25. If, however, the defendant be present at the time of admission of the plaint, the Collector may proceed at once with the investigation of the suit.

The plaint shall be dismissed on failure of the plaintiff to pay within a reasonable time to be fixed by the Collector, the process fee for summoning the defendant.

30. The summons shall require the defendant to appear at a place therein named on the day fixed and to bring with him, subject to all just exceptions, all documents in his possession or power which the plaintiff may desire to inspect, or upon which the defendant intends to rely in support of his case.

31. No documentary evidence in the possession or power of any party which should have been, but has not been, produced in accordance with the requirements of rules 28 and 30, shall be received at any subsequent stage of the proceedings unless good cause be shown to the satisfaction of the Collector for the non-production thereof. The Collector receiving such evidence shall record his reasons for so doing.

32. On the date of first hearing, each party shall produce the witnesses on whose evidence he intends to rely in support of his case or who are required to produce documents.

33. Such of the witnesses required by either party as will not appear without issue of process shall be summoned on payment of the necessary process-fee and batta.

34. Summonses to the defendant and witnesses shall be prepared and served in the manner provided in Madras Act III of 1869.

Appx. I.

34-A. [a] If from the records of the case, from the petitions of the parties, or from the local officers' reports, or otherwise, the Collector has reason to believe that besides the persons cited in the plaint as defendants under rule 24-A supra there are others who possess hereditary claims superior to those of the parties already on the record, he may at any time direct the plaintiff to join such persons also as defendants and the procedure laid down in rule 29 supra shall apply.[a]

[a]B.P. 57, d. 13-3-02.

Provided that a person whose right to file a suit has become barred by limitation under section 14 of Act III of 1895 shall not be made a party.

G.O. Ms. 797, Rev., d. 26-3-42. B.P. 77 (S), Press, d. 28-12-42.

35. If, on the day fixed for the trial of the suit or on any subsequent day to which the hearing of the case may be adjourned, neither of the parties appears in person or by authorized agent, the suit shall be dismissed.

36. If the defendant appears and the plaintiff does not appear, the Collector shall dismiss the suit unless the defendant admits the claim or part thereof in which case the Collector shall give judgment against the defendant on such admission without costs; provided that such judgment, if there be more than one defendant, shall be only against the defendant who makes the admission.

37. If the plaintiff appears and the defendant does not appear, the Collector upon proof that the summons was duly served on the defendant, shall hear the case and may pass judgment *ex parte* against the defendant.

38. In the case of a judgment by default or *ex parte*, the Collector, on good and sufficient cause being shown within sixty days from the date of the decree, shall pass an order to set aside the decree and shall appoint a day for proceeding with the suit. Provided that no such decree shall be altered, modified or reversed unless the adverse party has been summoned and heard in support of it if he appears.

A single appeal lies to the District Collector within one month from the date of receipt of an order rejecting such an application.

B.P. 178, Press, d. 3-12-34.

39. Where the defendant appears, the Collector shall ascertain from him whether he admits the claim made in the plaint, and, if he does not, shall require him to state his objections. His statement shall be recorded in writing. In the case of a person who has been cited as defendant under rule 24-A or rule 34-A, the Collector shall require him to file a written statement either renouncing his claim or making a counter-claim to the office. Where such defendant makes a counter-claim, the Collector shall after adjudicating upon the claims of all the contending parties pass a decree in favour of the party who, in his opinion, has established the claim to the office. Guardians acting on behalf of minors shall not, however, be permitted to renounce the claims of the latter.

B.P. Press 28, d. 15-3-35.

39-A. When the statement of the defendant or defendants has been obtained and before proceeding with the hearing of the case, the Collector shall frame the issues for decision from the materials contained in the plaint and in the written statement of the defendant or defendants. He may at any time before pronouncing judgment amend or strike out any issue or frame additional issues.

G.O. Ms. 1387, Rev., d. 9-6-47. B.P. Press, 32, d. 7-11-47.

40. In the hearing of the suit the examination of the parties or their authorized agents and of the witnesses shall be upon oath or solemn affirmation or otherwise according to the law for the time being in force relative to the examination of witnesses. APP. X. I

41. The evidence of the plaintiff, defendant and witnesses shall be taken down in the form of a narrative in the regional language or in English, and shall be signed by the deponent and the Collector after being read over and being explained, if necessary, to the deponent.

G.O. Ms. 1387, Rev., d. 9-6-47. B.P. Press 32, d. 7-11-47.
G.O. Ms. 2760, Rev., d. 11-7-56.

42. The Collector may call for any additional evidence or documents and summon any additional witnesses necessary to elucidate the case.

43. The Collector may in any suit grant time to the plaintiff or defendant to proceed in the prosecution or defence of the suit and may also for any sufficient reason to be recorded by him adjourn the hearing in such manner as to him may seem fit.

44. The record of the suit shall comprise the plaint, such summonses as may have been issued or copies of them, the examination of the plaintiff or his authorized agent, the statement taken from the defendant or his authorized agent or any written statement which the defendant may have filed, the issues framed, the evidence of the witnesses and a list of the documents filed. Such documents when retained by the Collector shall be included in the record.

G.O. Ms. 1387, Rev., d. 9-6-47. B.P. Press 32, d. 7-11-47.

45. On the hearing of the suit being completed, the Collector shall pronounce his judgment, which shall be prepared as required in clause (iii), sub-section (1) of section 16 of the Act, and shall be dated and signed by him at the time when it is pronounced. A decree shall follow the judgment.

B.P. 37, Press, d. 27-11-43.

45-A. [a] If a person who has been joined as a defendant under rule 24-A, or under rule 34-A supra fails to appear on the day fixed by the Collector or to take steps under rule 38 supra to set aside any *ex parte* decree that may have been passed against him, or if on appearing before the Collector, he renounces his claim to the office, or fails to oppose successfully the claims of the other parties, such person shall be precluded from subsequently filing a suit for the same office.[a]

[a] B.P. 57, d. 13-3-02.

46. The decree shall state the amount of costs incurred in the suit, the names of the parties by whom incurred, and the proportions in which such costs are to be paid.

47. Certified copies of the judgment and decree shall be furnished to the parties on application to the Collector and at their expense.

B.P. 37, Press, d. 27-11-43.

48. The death of a plaintiff or defendant shall not cause the suit to abate, if the right to sue survives.

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(b) *Procedure in regard to appeals from decrees or orders passed in suits.*

49. An appeal from a decree or order passed by a Collector in suits filed under section 13 shall set forth concisely and under distinct heads the grounds of objection to such decree or order without any argument or narrative, and such grounds shall be numbered consecutively.

50. The memorandum of appeal shall be accompanied by an authenticated copy of the judgment and decree or order appealed against. When the District Collector is the appellate authority, the memorandum shall be presented in person or by a duly authorized agent.

B.P. 37, Press, d. 27-11-43.

51. When the appeal is admitted, it shall be open to the appellate authority to reject it without calling for the records of the case if no ground for interference is disclosed. When the District Collector is the appellate authority, he shall hear the appellant before so dismissing the appeal.

52. The provisions contained in section 16, sub-section 1, and rules 29, 34—42, 43 and 45—48 regarding the trial of suits shall apply *mutatis mutandis* to the trial of appeals by the Collector of the district.

53. The appellate authority may either take further evidence itself or may cause it to be taken by the Collector or by such other officer as it may direct, and may direct him to return a finding on such points as may be necessary. It may also issue orders staying the execution of the decree or order appealed against, pending final disposal of the appeal.

54. A copy of the judgment and decree shall be forwarded to the officer who tried the original suit. It shall be filed by him with the records of that suit and an entry shall be made in the register of suits. When the Board is the appellate authority, copies of its judgment and decree shall also be forwarded to the appellant and to the respondent.

B.P. 37, Press, d. 27-11-43.

55. In a second appeal to the Board of Revenue, the memorandum of appeal shall be accompanied by authenticated copies of the original and appellate judgments and decrees.

56. The Board of Revenue may call for the records of the case and may cause further evidence to be taken by the Collector and may direct him to return a finding on such points as may be necessary.

57. A copy of the judgment and decree shall be forwarded to the appellant and to the respondent and also to the District Collector.

B.P. 37, Press, d. 27-11-43.

57-A. [a]The Board shall have full discretion to give and apportion or withhold costs of every application or appeal which comes before itself, and may reverse, modify or supplement any order made by any lower court regarding costs incurred in any suit, application or proceedings, which may come before the Board on appeal or revision.[a]

[a] B.P. 2, d. 9-1-09.

(c) *Registers to be maintained in connexion with suits and appeals.*

58. Three registers shall be maintained in the Forms I to III given in Appendix II, viz., (1) register of suits, (2) register of appeals and (3) register of summonses.

Under clause (v)—The execution of decrees and orders passed in suits and the taxation of costs.

A.—Execution of decrees and orders passed in original and appeal suits.

59. When the holder of a decree or order desires to execute it, he shall submit to the Collector who passed the decree or order in the first instance, an application in writing in the following form :—

Form of application for execution of decrees and orders passed in original and appeal suits.

Number of suit to which the application for execution relates.	Names of the parties to the suit.	Date of the decree or order.	Whether any appeal has been preferred against the decree or order.	Name of person against whom decree or order is sought to be executed.	Mode in which the assistance of the court is required, whether by delivery of property, recovery of money, etc.	Whether the necessary process fee has been produced with the application, and, if so, the amount thereof.	Previous proceedings, if any, taken in execution.

60. The application shall, on receipt, be dated and shall then be entered in the register to be kept for the purpose and also in the remarks column of the register of suits. If the application is not barred by limitation and if, within 30 days from the expiration of the time allowed for appeal, no orders have been received from the appellate court staying the execution of the decree or order specified in the application, the Collector may proceed to execute such decree or order in the following manner :—

(*a*) When any person is declared to be entitled to the possession of immovable property—by issuing a warrant under the hand and seal of the Collector addressed to some person named therein, authorizing such persons to give possession of the immovable property according to the adjudication and to remove, if need be, any person bound by the decree or order who refuses to vacate the property.

(*b*) When any person is declared to be entitled to a certain rent or revenue from land—by issuing a notice in writing and under the hand and seal of the Collector to the person who possesses the occupancy right in such land directing him to pay such rent or revenue to the decree-holder.

(*c*) When any person is adjudged liable to pay mesne profits or costs or any sum of money—by proceeding in the manner provided for the recovery of arrears of land revenue.

(*d*) In cases where any person is declared to be entitled to the possession of an office—by a notice in writing under the hand and seal of the Collector prohibiting the person or persons named therein from exercising the functions of the office, or performing the duties thereof, or collecting the emoluments ttached thereto, if any. In cases where rent or revenue from lands forms

Appx. I the emoluments of the office, notice shall also be given to the person who possesses the occupancy right in such lands directing him to pay the rent or revenue to the decree-holder.

61. No payment under a decree and no adjustment of it shall be recognized by the Collector, unless it be intimated to him for record in the register of suits.

62. Registers of applications for execution and of warrants or other processes issued in execution of decrees shall be maintained in Forms IV and V prescribed in Appendix II. Forms of the warrant and notices referred to in rule 60 are printed as Forms VI, VII, VIII and IX in the same appendix.

B.—Taxation of costs.

63. The costs of all suits or appeals or of execution proceedings shall be calculated with reference to the scale of fees prescribed in Appendix IV. No costs shall be awarded as pleaders' fees.

Under clause (vi)—*The salaries and other allowances to be assigned to the holders of the village offices forming class* (1) *in section* 3 *and the method of their payment.*

A.—Salaries and other allowances.

64. Holders of village offices forming class (1) in section 3 of the Act shall be paid fixed monthly salaries according to a scale which will be fixed from time to time by the Board of Revenue, with the sanction of the Government of Madras.

G.O. Ms. 1329, Rev., d. 25-5-38. B.P. Press 5, d. 8-2-39.

65. [a]The rules laid down in the Fundamental Rules as regards pay and allowances shall not apply to village officers.[a]

[a] B.P. 63, d. 10-8-29.

66. When a karnam or headman discharges the duties of two or more villages, he may, with the sanction of the Tahsildar or Deputy Tahsildar, in independent charge, be granted the full pay of both or all the offices in question. This concession is only permissible in the case of short vacancies not exceeding three months in all.

B.P. Press 15, d. 9-6-56.

66-A. Village officers are permitted to avail themselves of a maximum period of 15 days casual leave in a year of which not more than 5 days casual leave may be availed of at a time. The previous permission of the Tahsildar, Deputy Tahsildar, Manager, Assistant Manager or Estate Taluk Officer of the grade of Tahsildar or Deputy Tahsildar, as the case may be, should be taken except in urgent cases when the concerned Revenue Inspector's permission may be obtained.

G.O. Ms. 2949, Rev., d. 26-10-53. B.P. Press 20, d. 9-7-54.

67. Tahsildars and Deputy Tahsildars in independent charge, may grant leave to village officers for periods not exceeding six months at a time. In general, such leave shall be granted on condition that the duties of the office are discharged by some relative or friend of the officer taking leave on his responsibility.

B.P. Press 15, d. 9-6-56.

68. [a]Tahsildars and Deputy Tahsildars in independent charge, may appoint paid substitute for village officers for periods not exceeding six months at a time where such a course is necessary, subject to the proviso that a statement of the appointments so made shall be submitted monthly to the divisional officer for formal sanction, except in the case of last grade village officers. [a] Appx. I

[a] G.O. 1223, d. 27-4-11. [a] B.P. 148, d. 20-6-11.
B.P. Press 15, d. 9-6-56.

69. Applications for leave for longer periods than six months shall be disposed of by divisional officers.

B.P. Press 15, d. 9-6-56.

69-A. Divisional officers may appoint substitutes in the place of the village officers in remand and those who are absconding for one reason or other and so not available for duty. In all such cases the divisional officers shall record in writing the reasons for the appointment of substitutes.

Government Memo. 80830-N/54-1, Rev., d. 13-12-54.
B.P. Press 1, d. 6-1-55.

70. When a substitute is appointed during the absence of the permanent incumbent on leave or on suspension, the whole of the pay of the officer shall be disbursed to the substitute, except when he is a village officer of another village in which event rule 66 above will be observed.

71. Village officers attending courts on summonses shall be held to be on duty.

B.—Method of payment of salaries, etc., to village officers.

72. The holders of village offices forming class (1) in section 3 of the Act shall be paid from the revenue collections of the villages in which they are employed, except when there is a paucity or an absence of collections in the villages in which case their pay may be drawn from a Government treasury or a bank.

73. At the beginning of each month, pay abstracts of the village establishment actually employed during the previous month shall be prepared under the signature of the karnam and the headman, in the prescribed form, printed copies of which will be supplied by Tahsildars, and shall be forwarded to the taluk office. Any sum which may be due but not billed for by reason of absence on leave, etc., shall be noted in the column of remarks with a brief explanation of the circumstances under which it was not drawn, the entries being referred to when the amount is claimed on subsequent bills.

74. The abstract shall be submitted separately for each revenue village or the charge of a head of the village, and not for a group of villages in charge of a karnam.

75. The abstract will be scrutinized in the taluk office and returned to the villages with an order for payment endorsed on it under the signature of the Tahsildar, or, in his absence, of the taluk head accountant.

76. The pay abstract, with the acquittances obtained after payment in the column provided therefor, shall be sent to the taluk with the village remittances, the amount disbursed being shown as a deduction from the gross collections in the village cash accounts (*Nos.* 13 *and* 15).

Appx. I

77. When the pay is to be drawn from a Government treasury, the pay order will be endorsed on the pay abstract, but when it is to be drawn from a bank a printed cheque will be issued. In either case, the abstract will be returned to the village to be retransmitted to the taluk office, after obtaining the acquittances of the payees.

78. Arrear claims shall be billed for on separate abstracts, particulars of the periods on account of which the arrears are due and of the months in which, if at all, they were refunded into the treasury being carefully noted.

79. No pay shall be disbursed to the village officers without the special sanction of the divisional officer, when it is left undrawn for more than six months and, without the sanction of the Collector, if it is left undrawn for more than two years.

G.O. Mis. 1423, Rev., d. 2-4-56. B.P. Press 24, d. 8-10-56.

80. Undisbursed salaries, in cases in which the amounts are drawn by cheques or payment orders on the bank or treasury, shall be refunded by short drawal in the following month's pay abstract.

Under clause (vii)—*The duties of the holders of the village offices forming classes* (1) *and* (3) *in section* 3 *and the description and forms of the accounts and registers to be kept by them.*

A.—Duties of the holders of village offices forming class (1) *in section* 3.

81. The holders of the village offices forming class (1) in section 3 shall perform the duties prescribed in the Village Officers and Ryots' Manual, and such other duties as they may be required to perform from time to time by competent authority. They shall also maintain the accounts and registers contained in the Manual of Village Accounts and such other accounts as they may, from time to time, be required by competent authority to prepare.

G.O. Ms. 2760, Rev., d. 11-7-56.

B.—Duties of the holders of village offices forming class (3) *in section* (3).

82. The holders of the offices of karnam, headman and talayari in proprietary villages to which Madras Act II of 1894 has not been extended excepting karnams in proprietary estates wherein Madras Regulation XXIX of 1802 remains in force, shall perform the duties and maintain the accounts prescribed for the holders of such offices in the rules framed under section 32 of Madras Act II of 1894.

83. Vettis or totis shall execute processes issued for the collection of revenue, collect the rents due to the proprietor and obey the karnam's orders in the matter of measuring lands and grain, inspecting crops and carrying messages, accounts and returns to the proprietor or his subordinates, to Government officials and to tenants in the village.

84. The nirganti acting under the headman's orders shall have charge of the irrigation of the village lands where there is irrigation from tanks and channels. Where there is no nirganti, the work shall be done by the vettis unless it is usual for the tenants of the village to attend to the work themselves.

Under clause (viii)—*Custody, production and transfer of accounts and other records kept by village officers.* Appx I

85. Karnams and [a]headmen [a]shall, when called on to do so, produce the accounts, registers and other records maintained by them or in their custody, for the inspection of the officials authorized by the proprietor or by the Collector to inspect the same.

The accounts kept by the karnams in proprietary estates shall at all reasonable times be also open to the inspection of persons owning or cultivating lands in the village.

[a] B.P. 29, d. 31-3-22.

86. Except when called upon to produce their accounts and other records as hereinbefore mentioned, they shall keep the same intact in their villages, unless otherwise directed in the Village Manual. In the case of proprietary estates, the accounts and records when no longer required in villages shall be deposited in the office of the Tahsildar or the Deputy Tahsildar.

87. In the event of suspension or dismissal under section 7 (1) of the Act, they shall hand over all the accounts and other records to their duly appointed successors.

APPENDIX II.

[Standing Order No. 147, paragraph 4.]

Forms.

[Referred to in Rules 58 and 62 of the Rules in Appendix I.]

I.—Form of register of suits.

Number of suit.	Date of presentation of plaint.	Name and address of plaintiff.	Name and address of defendant.	Abstract of plaint.		Result of suit.	Date of decree.	The date and abstract of decree on appeal.	Remarks.
				To what office the suit relates.	Whether it refers to the office or its emoluments.				

II.—Form of register of appeals.

Number of appeal.	Date of presentation of memorandum.	Name of appellant.	Name of respondent.	Number and year of original suit and the name of the court which passed the decree or order appealed against.	Brief abstract of appeal.		Result of appeal.	Date of decree.	Remarks.
					To what office the appeal relates.	Whether it refers to the office or its emoluments.			

III.—Form of register of summonses.

Serial number.	Number of suit.	Name of person to be summoned.	Date of					Amount of batta and process fee.	Name of person to whom summons is entrusted.	Remarks.
			Application for summons.	Production of batta and process fee.	Issue of summons.	When returnable.	When served.			

IV.—Form of register of applications for execution of decrees.

Serial number.	Date of receipt of the application.	Date of decree or order and number of suit to which it relates.	Name of applicant	Name of person against whom execution of decree or order is sought.	Mode in which the assistance of the court is required.	Whether and when process fee for warrants, etc., is produced by the applicant.	Date of order directing execution.	Remarks.

Appx. II

V.—Form of register of warrants and other processes.

Number of application for execution.	Description of process issued.	Amount of process fee realized.	Name of person against whom process is issued.	Name of person to whom process is entrusted.	Date when issued.	Date when returnable.	Date when returned.	Remarks.

Appx. II

VI.—Warrant under clause (a) of Rule 60 of the Rules framed under Madras Act III of 1895.

IN THE COURT OF THE COLLECTOR OF

Revenue Suit No. *of* 19 .

AB of

against

CD of

To

WHEREAS , in the occupancy of , has been decreed to , the plaintiff in the above suit, you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

Given under my hand and the seal of the Court, this day of 19 .

L.S.,
Collector.

VII.—Notice under clause (b) of Rule 60 of the Rules framed under Madras Act III of 1895.

IN THE COURT OF THE COLLECTOR OF

Revenue Suit No. *of* 19 .

AB of

against

CD of

To

WHEREAS has been declared, by a decree in the suit above referred to, to be entitled to the rent (or revenue) due on land in your occupation bearing survey (or paimash) No. in the village of , in the district of , you are hereby required to pay the rent (or revenue) to the holder of the decree or order above referred to.

Given under my hand and the seal of the Court this, day of 19 .

L.S.,
Collector.

VIII.—Notice under clause (d) of Rule 60 of the Rules framed under Madras Act III of 1895 prohibiting persons, other than the decree-holder, from exercising the functions of the office, or performing the duties thereof or collecting the emoluments attached thereto.

IN THE COURT OF THE COLLECTOR OF

Revenue Suit No. *of* 19 .

AB of

against

CD of

To

WHEREAS has been declared by a decree in the suit above referred to, to be entitled to the office in the village of in the district of you are hereby prohibited from exercising the functions of the office, or performing the duties thereof, or collecting the emoluments attached thereto, viz.,

Given under my hand and the seal of the Court, this day of 19 .

L.S.,
Collector.

Appx. II *IX.—Notice under clause (a) of Rule 60 of the Rules framed under Madras Act III of 1895 to the person possessing occupancy right in lands, the rent or revenue from which constitutes the emoluments of a village office.*

IN THE COURT OF THE COLLECTOR OF

Revenue Suit No. *of* 19 .

AB of
against
CD of

To

WHEREAS has been declared by a decree in the above suit to be entitled to the office in the village of in the district of you are hereby required to pay the rent or revenue for the lands in your occupation which appertain to that office to the holder of the decree or order above referred to.

Given under my hand and the seal of the Court, this day of 19 .

L.S.,
Collector.

B.P. 134, d. 3-6-98.

APPENDIX III.

[Standing Order No. 147, paragraph 4.]

FORM A.

[Referred to in Rule 7 of the Rules in Appendix I.]

Nomination roll for selection of persons to village offices under section 6 (1) *of Act III of* 1895.

Note —A separate form must be used for each kind of office, i.e., headman, karnam, etc.

Column (6).—Enter the names of persons recommended as being best qualified from among the last holders or families of the last holders in column (3).

Column (7).—If selection is not made from among the last holders in column (3), relationship of the nominees to the last holders should be entered in this column.

[a]*Column* (8).—*Vide* section 10 (1), Act III of 1895.[a]

Tahsildars' notes should be made at foot and overleaf.

Old villages or groups. (1)	Scale. (2)	Office-holders before revision. (3)	New villages or groups. (4)	Scale. (5)	Persons recommended. (6)	Relationship. (7)	Qualifications. (8)
Gogu .. } Gondibira. }	One headman.	1. Rama Rao.	Gogu ..	One headman.	Rama Rao.	Last holder.	Qualified.
Gottakam. }			Gondibira. }	One headman.	Govinda Rao.	Brother's son of No. 1 of column (3).	Do.
Gudavi .. }	One headman.	2. Krishnayya.*	Gudavi .. }	One headman.	Atmanadhan.	Outsider.	Do.

* Mentally disqualified and unfit for appointment at revision.

B.P. 30, d. 3-4-22.

[a] G.O. Mis. 1638, Rev., d. 28-8-30.

[a] B.P. 62, d. 10-9-30.

Appx. III

FORM B.

[Referred to in Rule 7 of the Rules in Appendix I.]

Nomination roll for selection of persons to village offices under section 6 (2) *of Act III of* 1895.

Villages or group of villages and serial number in the Board's Proceedings sanctioning the scheme.	Sanctioned establishment according to		Last holders of the office at the time of revision.	Persons recommended for selection as being best qualified from the last holders in column (4).	Age and qualifications of persons selected.	Tahsildar's remarks.	Divisional officer's order.
	Old scale.	New scale.					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

B.P. 13, d. 18-1-13.

APPENDIX IV.

[Standing Order No. 147, paragraph 4.]

Scale of process fees.

[Referred to in Rule 63 of the Rules in Appendix I.]

Section I.

	RS.	NP.
1 Summons or notice to defendant or respondent	0	63
And to every additional defendant or respondent if applied for at the same time and defendant or respondent resides in the same neighbourhood	0	32
2 Summons to a witness	0	63
And to every additional witness if applied for at the same time and if witness resides in the same neighbourhood	0	32
3 Warrant for delivery of possession of property	1	19
4 Injunction, order or notice not otherwise provided for ..	1	19

Section II.

Processes issued for the recovery of mesne profits, costs or other sum of money in the same manner as for the realization of arrears of revenue—

	RS.	NP.
1 Notice authorizing the distraint of movable property, but the service of which is not accompanied by actual distraint	0	32
2 Notice authorizing the distraint of movables under which distraint is actually made	0	63
3 Sale of movable property	0	63
4 Notice served as a preliminary to the attachment of immovable property	0	32
5 Notice of attachment of immovable property	0	63
6 Notice of sale of immovable property	0	63

B.P. Press 21, d. 17-8-48.

Appx. IV

Section III.—Batta and travelling allowances to witnesses.

— (1)		1st class. (2)	2nd class. (3)	3rd class. (4)
Travelling allowance.	By rail ..	1st class fare ..	2nd class faro.	3rd class fare.
	By road ..	50 Naye Paise per mile.	13 Naye Paise per mile.	13 Naye Paise per 10 miles. [a] 3 Naye Paise per mile when witness cannot walk.
	By sea or canal.	Actual expense of passage.		
Batta not to exeed		75 Naye Paise per diem.	38 Naye Paise per diem.	19 Naye Paise per diem.

B.P. 134, d. 3-6-98.

G.O. Ms. No. 2760, Rev., d. 11-7-56.
G.O. Ms. No. 4660, Rev., d. 26-12-56.
[a] G.O. Ms. No. 780, Rev., d. 19-2-57.

APPENDIX V.

[Standing Order No. 147, paragraph 5.]

Rules under section 32 of the Proprietary Estates' Village Service Act.

NOTICE.

In exercise of the powers conferred by section 32 of the Proprietary Estates Village Service Act II of 1894, the Board of Revenue has been pleased with the approval of Government to frame the following forms and make the following rules :—

Division grouping and amalgamation of villages and appointment of officers.

1. [a]When the beriz of a village is less than Rs. 2,000 [a]the District Collector shall determine what office (headman's or karnam's) should be allowed to it under section 7 of Act II of 1894 (Madras) and, in doing so, consider the relative capacity of the actual incumbents to discharge the duties of headman, karnam and munsif. The incumbent of the office allowed shall perform the duties attached to these three offices. The other office or offices shall be abolished. [a]An exception to this rule may be made when the population is 1,500 and above or where the size or other circumstances of a village justify the entertainment of both headman and karnam.[a] If there were more offices than one of any one class in the village, or corresponding villages, before revision, as in cases governed by section 15 (1) or 15 (2), the District Collector should first pass an order under section 7, also taking into consideration the claims of the members of the families of the existing village officers in cases falling under section 15 (1).

[a] B.P. 284, d., 3-12-09. [a] B.P. 99, d. 14-4-16.

B.P. 128, Press, d. 10-12-40.

2. (1) In choosing a person to fill a new office under section 15 (1), the proprietor shall select the person whom he considers the best qualified from among the last holders of the offices of the same class which have been abolished and their families. In choosing a person for retention under section 15 (2), the proprietor shall select the person whom he may consider to be the best qualified from among the officers of the same class.

(2) If the proprietor selects for appointment under section 15 (1) or retains under section 15 (2) a person in contravention of the provisions of sub-rule (1), the Revenue Officer in charge of the division shall himself choose a person who is qualified for selection or retention under sub-rule (1) and thereupon the person selected or, as the case may be, retained by the proprietor shall cease to hold office.

B.P. 128, Press, d. 10-12-40.

3. In submitting for the orders of the Board proposals for the revision of village offices under sections 6 and 7 of the Act, Collectors will, as far as practicable, be guided by the following rules :—

(i) Clubbing of adjoining villages shall ordinarily be resorted to for purposes of revision of village establishments when the distance between the village-sites does not exceed a mile and a half, and the joint revenue of the united villages does not exceed Rs. 2,000. Provided that, if there are outlying hamlets of importance which would be more than one and a half miles from the new head village, the clubbing shall not ordinarily be carried out.

Appx. V

(ii) Uninhabited villages, and those in which the lands are so intermingled that the boundaries cannot well be separated, may be grouped, though the distance limit is exceeded. If clubbing is desirable, the fact that the joint revenue of the clubbed villages will exceed Rs. 2,000 is not to prevent amalgamation.

(iii) Save as provided in rule 1, each new village shall have at least a karnam, a headman and a talayari ; but if the importance of any of the minor villages in the group demands it, a separate talaiyari to reside and keep watch in such minor village may be appointed.

[a](iv) The scale of establishment to be recommended [subject to the provisions of rule 1 above and clause (v) below] should be as follows, in so far as it may be practicable to adopt it :—

[b]*Grades of beriz including water-rate or quit-rent payable to Government.*[b]

[c]Below Rs. 2,000—A karnam or headman on Rs. 7 or both on Rs. 7 each.

	Karnam's pay. RS.	Headman's pay. RS.
Not less than Rs. 2,000 but less than Rs. 4,000 ..	8	7
,, ,, 4,000 ,, ,, 8,000 ..	9	8
,, ,, 8,000 ,, ,, 12,000 ..	11	9
Rs. 12,000 and above	11	11

Note.—An assistant karnam on Rs. 7 may, in exceptional cases, be allowed if the beriz exceeds Rs. 8,000 and if it is inadvisable to subdivide the village. Monigars will be employed only in villages where the Government revenue derived is large enough to justify their employment. When employed they will be paid Rs. 4 if the beriz is less than Rs. 12,000 and Rs. 5 if it is Rs. 12,000 or more.

Talaiyaris.	Number and rate of pay. No.	RS.
For groups having a population of not less than 200 but less than 1,500	1	6
For groups having a population of not less than 1,500 but less than 3,000	2	6
For groups having a population of not less than 3,000 but less than 4,500	3	6
For groups having a population of 4,500 and over ..	4	6[c]

(v) (1) For villages irrigated by Government sources with an irrigation revenue of Rs. 1,000 or upwards, village establishment should be provided on the scale prescribed for ryotwari villages. In determining the scale of pay to be adopted for karnams and headman, the " revenue " to be considered is the aggregate of the rent payable to the proprietor and the assessment and water-rate payable to Government, while the number of vettis to be provided should be fixed with reference to the irrigation revenue alone ;

(2) if the irrigation revenue is less than Rs. 1,000, the scale prescribed in clause (iv) above should be followed, with the addition of a vetti on [c]Rs. 6[c] where the irrigation revenue amounts to Rs. 200 or more.[a]

[a] B.P. 68, d. 8-3-07. [b] B.P. 246, d. 14-9-07.
[c] G.O. Mis. 2108, d. 10-12-26. [c] B.P. 24, d. 20-4-27.

(vi) From the 30th April 1932, the pay of all incumbents newly appointed to the posts referred to in clauses (iv) and (v) will be reduced as shown below :— **Appx. V**

Rate of pay.	Amount of cut.
Rs. 6 and not exceeding Rs. 12 ..	25 Naye Paise each per mensem.
Above Rs. 12	50 Naye Paise each per mensem.

G.O. 334, Rev., d. 21-2-33. B.P. 15, Press, d. 1-3-33.

G.O. Ms. 2760, Rev., d. 11-7-56.

4. [d]*Educational qualifications.*—(A) No person shall be eligible for appointment to the office of karnam or headman unless he is qualified in accordance with the following educational tests, viz. :—

Karnam.

Village Officers' Special Test in—

(*a*) Village Manual of Accounts for proprietary villages.

(*b*) Powers and duties of village officers, and

(*c*) Survey.

B.P. 30, Press, d. 12-3-41.

Provided that a candidate who has qualified himself for appointment as a karnam or a headman in accordance with the rules issued under section 20 of the Madras Hereditary Village Officers Act, 1895 (Madras Act III of 1895), shall be eligible for appointment as a karnam or a headman as the case may be, under this rule.

B.P. 127, Press, d. 24-11-41.

A pass in the Revenue Test, Parts I and II together with satisfactory completion of the survey training prescribed for revenue subordinates shall be deemed to be a pass in the karnam's test.

G.O. Ms. 166, Rev., d. 28-1-44. B.P. 12, Press, d. 8-6-44.

Headman.

Either the Village Officers' Special Test in—

(*a*) Powers and duties of village officers, and

(*b*) Village sanitation

or such oral examination as the divisional officer shall direct in order to satisfy himself that the candidate possesses sufficient literary education to perform the duties of a village headman provided that minors registered under section 13 of the Proprietary Estates' Village Service Act II of 1894, shall be required to pass the Village Officers' Special Test prescribed above for headmen.

(B) The above rule shall not apply to village officers who were in office on 1st August 1933 or to their heirs who on that date were above the age of 18. In their case, the existing rule which is as follows will apply :—

No regular educational tests are prescribed for village officers in proprietary estates, but karnams should be able to read, write and keep accounts to the satisfaction of the proprietor and the divisional officer and in surveyed estates, they should also be required to undergo training in survey.

[d]B.P. 63, d. 13-8-29. B.P. Press, 129, d. 25-11-41.

5. The registers to be submitted by proprietors under section 5 of the Acts and the notice of appointment to vacant posts to be forwarded to divisional officers under section 9, shall be in the annexed forms A and B, respectively. Notice of selections under sub-sections (1) and (2) of section 15 shall be forwarded to the divisional officer in the annexed forms C and D respectively.

B.P. 13, d. 18-1-13.

6. *Duties of the several village officers and the descriptions and forms of the accounts and registers to be kept by them.*—(i) Karnams shall keep the accounts which they are now in the habit of keeping, or have from time to time been called upon to prepare by the proprietors or by Government officials, or which may hereafter be prescribed by them, and shall furnish to the proprietors or to the Government officials the returns required to be prepared therefrom. They shall also maintain a file of orders issued to them by the proprietors and by the officers of Government. Some of the accounts at present required to be maintained are more particularly described in the schedule.

(ii) The accounts and records shall, at all reasonable times, be open to the inspection of the officials authorized by the proprietor or by Government to inspect the same, and of persons owning or cultivating lands in the village, and shall also be produced before the Collector or the proprietor, or any official authorized by either of them, at such times and places as he may direct.

(iii) Save when called upon to produce their accounts and records as hereinbefore mentioned, the karnams shall keep them intact in their villages. Accounts and records which are kept under the orders of the Government officials, shall, when no longer required, be deposited in the office of the tahsildar or deputy tahsildar; those maintained under the proprietors' orders shall similarly be handed over to the proprietors concerned.

B.P. 204, d. 23-11-17.

(iv) In the event of suspension or dismissal under clause (2) of section 16 of the Act, they shall hand over all the accounts and records to their duly appointed successors.

(v) When the produce may be divided in kind between the ryots and the proprietor, the karnams shall be present at the estimation of the crop, at the threshing and at the measuring of the grain.

(vi) They shall also aid the village munsif and the village headman in the discharge of their civil and magisterial and police duties.

(vii) They shall also assist the proprietor's officials in azmaish or inspection work, in the exchange of pattas and muchilikas, and in the collection of rents due to the proprietor either in money or in kind.

(viii) They shall also furnish such further information as may be necessary to enable the officers appointed by Government in this behalf to carry out the work of enfranchisement of inams attached to the village offices brought under the scope of the Act, and any return or other information that may be called for by the Collector for administrative or other purposes.

(ix) It shall also be their duty to measure fields and to prepare and maintain field measurement books, when required to do so.

7. (i) The headman shall collect and remit quit-rents, water-rate and all other revenues due to Government from ryots residing in their respective villages, execute all processes issued for the realization of the same and have charge of the property distrained in satisfaction thereof. They shall also take over the receipts of such seed depots maintained by the Agricultural

Department as are at a distance of more than five miles from a sub-treasury and remit them to the sub-treasury, but the number of such remittances should not exceed two a month. In the case of depots situated at a distance of five miles or less from the sub-treasury, such remittances will be made by the depot-keepers themselves. Appx. V

B.P. 220, d. 17-12-17. B.P. 96, d. 18-5-18.
G.O. Ms. 1329, Rev., d. 25-5-38. B.P. Press 5, d. 8-2-39.

(ii) They shall assist all public servants, the proprietor or his servants and all travellers in obtaining provisions on ready money payment and means of conveyance, and likewise render all assistance to revenue officers in the matter of supplying provisions for troops on the march.

(iii) It is the duty of headmen to strive by all means to prevent the commission of offences within their village limits. They shall also co-operate with and aid the police in preventing and detecting crimes within their jurisdiction, and in executing warrants of arrest, search-warrants and warrants for the distress and sale of movable property for the recovery of fines, and in arresting persons for the commission of offences for which the police are authorized to arrest without warrant.

(iv) They shall also be ex-officio keepers of the Government cattle-pounds constructed in their villages.

(v) They shall collect the proprietor's money rents when required to do so, have custody of the collections so made and remit the same to the proprietor's office on the dates fixed by him. They shall give reasonable assistance to the proprietor in regard to the collection of grain rents. They shall also execute, or render the necessary aid in the execution of, the processes issued for the recovery of rents and shall also, when necessary, have custody of the movable property distrained for arrears of rent. The collections and the movable property shall, while in their custody, be open to inspection by the proprietor's officials.

B.P. 99, d. 14-4-16.

(vi) They shall watch the interests of the proprietors in regard to the revenue due from trees, stone quarries, fisheries, etc., superintend the preservation of tanks and other irrigation works, and the proper distribution of water therefrom, and perform the customary duties of like nature to the proprietor. They shall also exercise the necessary supervision over the work of talaiyaris.

(vii) They shall report to the local sub-magistrate the occurrence of public nuisances in or near their villages in the following cases:—

When they consider—

(1) that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be used by the public, or from any public place;

(2) that any trade or occupation or the keeping of any goods or merchandise should be suppressed or removed or prohibited, by reason of its being injurious to the health or physical comfort of the community;

(3) that the construction of any building, or the disposal of any substance likely to occasion conflagration or explosion, should be prevented or stopped;

(4) that any building is in such a condition that it is likely to fall and thereby cause injury to persons, living or carrying on business in the neighbourhood, passing by, and that in consequence its removal, repair or support is necessary; and

Appx. V (5) that any tank, well or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public.

(viii) [a] The headman of the villages in which tanks which affect railways are situated shall carefully watch the condition of such tanks, and convey timely warning to the nearest railway station-master when they are in danger of breaching.[a]

[a] B.P. 114, d. 9-6-05.

(ix) [b] The headmen shall keep such registers and accounts as the Collector may prescribe.[b] [c]The registers and accounts shall, at all reasonable times, be open to the inspection of the officials authorized by the proprietor or by Government to inspect the same and of persons owning or cultivating lands in the village and shall also be produced before the Collector or the proprietor or any official authorized by either of them at such times and places as they may direct and the headman shall furnish to the proprietor or to the Government officials the returns required to be prepared therefrom.[c]

[b] B.P. 12, d. 11-1-10. [c] B.P. 200, d. 18-7-12.

8. Talaiyaris or village watchers shall work regularly under the village headman, serving summonses, notices and orders and executing the processes issued by him in any capacity, except for the collection of rent or revenue.

They shall perform their customary police duties under the immediate authority of the headman, take remittances of revenue to the taluk and attend to the sanitation of the village. They shall also look after fields and crops, prevent cattle from trespassing on and damaging the crops, watch heaps of straw and grain on the threshing ground, and convey and guard the proprietor's rents, if required by him to do so. They shall also furnish the village officers with information regarding births and deaths and the outbreak of epidemics and cattle diseases.

9. The officers mentioned above shall also submit the reports required by section 45 of the Criminal Procedure Code (Act V of 1898). They shall also, upon notice given or request made, be bound to assist the officers of Government in generally carrying out the provisions of the Salt Act IV of 1889, the Abkari Act I of 1886, and the Forest Act V of 1882. It shall also be their duty to report the discovery in their village of any treasure exceeding Rs. 10 in value, to furnish information regarding the escheat of the property of persons dying without heirs and to render such other services as they may be required to do from time to time by the Collector of the district.

B.P. Press 116, d. 23-12-39.

10. The headman, karnam and talaiyari shall also reside in their village and shall not absent themselves therefrom to the neglect of their daily duties. The headman, on his own responsibility, may grant casual leave for a period not exceeding three days at a time to the talaiyari. Village officers are permitted to avail of a maximum period of 15 days' casual leave in a year of which not more than five days' casual leave may be availed of at a time. The previous permission of the tahsildar or deputy tahsildar, as the case may be, should be taken except in urgent cases when the concerned Revenue Inspectors' permission may be obtained and the fact reported to the proprietor concerned.

G.O. Ms. 2949, Rev., d. 26-10-53. B.P. Press 20, d. 9-7-54.

10-A. (1) Tahsildars and deputy tahsildars in independent charge may grant leave to village officers for periods not exceeding six months at a time and may appoint substitutes, when necessary, subject to the provisions of rule 10-B. A statement of the appointments so made shall be submitted monthly to the divisional officer for formal sanction, except in the case of last grade village officers. Such leave should ordinarily be granted on the condition that the duties of the office are discharged without extra cost to the State by some relative or friend of the officer taking leave and on his responsibility. Appx. V

G.O. Ms. 2760, Rev., d. 11-7-56.

(2) Applications for leave for periods exceeding six months shall be dealt with by divisional officers.

B.P. Press 15, d. 9-6-56.

10-B. Immediately upon receipt of an application from a village officer for leave, other than casual leave, the tahsildar or deputy tahsildar shall send, by registered post, a copy of the application, or a form containing the necessary details regarding the application, to the proprietor, together with the name of the substitute whom the tahsildar or deputy tahsildar proposes to appoint, and with an intimation that if the proprietor objects to the grant of the leave, or to the substitute proposed, he should inform the tahsildar or the deputy tahsildar of his objection and of the name of any person whom he wishes to nominate as substitute within ten days from the date of the notice. On receipt of the proprietor's reply, or if no reply has been received, on the expiry of ten days from the date of the despatch of the registered notice, the tahsildar or the deputy tahsildar will pass orders on the application for leave and will appoint a substitute if he be competent to do so, or will obtain the orders of the divisional officer and will communicate the same to the proprietor or his local agent and to the village officers concerned. Should the proprietor submit within ten days from the date of the notice the nomination of any person who is qualified under section 10 (i) of the Madras Proprietary Estates' Village Service Act, 1894, the nomination should ordinarily be accepted.

In case of urgency such as illness or other sufficient cause, the tahsildar or the deputy tahsildar or the divisional officer may grant leave to a village officer and may appoint a substitute in anticipation of the reference above described to the proprietor. In such cases, the notice of the grant of the leave and of the appointment made shall be forwarded to the proprietors as soon as possible and any objection or nomination which he may submit within the prescribed period of ten days shall be considered upon its receipt. But the officer appointed in advance of notice shall be held to be duly appointed until the order of his appointment is revised by the officer who made it or by some higher authority.

B.P. 279, d. 18-9-15.

11. (1) Enquiry under section 16 of Act II of 1894 shall be made in the manner laid down below, except in trivial cases such as fines.

(2) The grounds on which it is proposed to take action against a village officer shall be reduced to the form of a definite charge or charges which shall be communicated to him ; and he shall be required to appear on a day to be fixed, before the revenue officer or proprietor to answer the charge or charges. On that day, the village officer shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry. An oral enquiry shall be held, if such enquiry is desired by the village officer. At that enquiry, oral evidence shall be heard as to such of the allegations as are not admitted

Appx. V by the person charged and he shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses as he may wish called, provided that the officer conducting the enquiry, may, for reasons to be recorded in writing, refuse to call a witness. Documentary evidence shall be properly proved. After the enquiry has been completed, the person charged shall be entitled to put in a further written statement of his defence. If the charges are admitted, or no oral enquiry is desired, the revenue officer or proprietor may dispose of the charges on merits.

(3) If a further enquiry is to be conducted, the revenue officer or proprietor shall arrive at a provisional conclusion in regard to the punishment it is proposed to impose and the village officer shall be called upon to appear on a certain day to be fixed by him to show cause against the particular punishment proposed to be imposed. On that day, the revenue officer or proprietor shall record his plea and shall ask him to state if he wants to resummon and to re-examine any of the witnesses in his presence. If the village officer charged desires that any of the prosecution witnesses or defence witnesses should be re-examined or any new witness should be examined, they should be examined and the revenue officer or proprietor shall do so in the presence of the village officer, who shall be allowed to cross-examine the prosecution witnesses. The revenue officer or proprietor may refuse to call a witness for reasons to be recorded in writing.

(4) An enquiry may be made in the absence of the village officer charged, when the revenue officer or proprietor holding the enquiry is satisfied, for reasons to be recorded, that the village officer has intentionally or contumaciously absented himself from the enquiry or that he is incapable, by reason of illness, from attending the enquiry within a reasonable time from the date of the order directing him to appear and answer the charges, or where it is, for other reasons, impracticable to communicate with him.

(5) An enquiry under section 16 (2) of Act II of 1894 may also be conducted by an officer not below the rank of a Tahsildar, or a Deputy Tahsildar, in independent charge. If the enquiring officer is below the rank of a Revenue Divisional Officer, he shall conduct a preliminary enquiry as provided in sub-rule (2) above, and submit the records to the Revenue Divisional Officer or Collector, as the case may be, with a report containing his findings. The Revenue Divisional Officer or Collector, after considering the report, may pass orders dropping the charges or may conduct further enquiry as in sub-rule (3) above.

(6) Where the village officer or servant has been sentenced to imprisonment, for an offence which in the opinion of the Collector disqualifies him for holding the office, it shall not be necessary to record evidence or to give him a personal hearing.

G.O. Ms. 2810, Rev., d. 28-10-50. B.P. Press, 35, d. 15-10-51.

12. The revenue officer or the proprietor, in passing orders on the case, should briefly sum up the evidence on the several charges, and record in English or in the regional language a distinct order of acquittal or conviction on each, with a concise statement of the grounds on which the order is founded, noting also the amount of fine or other punishment imposed in the circumstances.

G.O. Ms. 2760, Rev., d. 11-7-56.

13. At the foot of the order the date on which the time allowed for preferring an appeal expires should be clearly specified, and copies should be delivered free of all charge to the village officer or servant concerned.

14. *Definition.*—In these rules and the forms appended thereto, unless there is anything repugnant in the subject or context the word "Government" means "the Government of Madras." **Appx. V.**

G.O. Ms. 1329, Rev., d. 25-5-38 B.P. Press 5, d. 8-2-39.

15. Divisional officers may appoint substitutes in the place of the village officers in remand and those who are absconding for one reason or other and so not available for duty. In all such cases the Divisional officers shall record in writing the reasons for the appointment of substitutes.

Govt. Memo. 80830 N/54-1, Rev,, d. 13-12-54.
B.P. Press 1, d. 6-1-55.

16. When an appeal is preferred from an order passed under section 11 and 16' the memorandum of appeal shall set forth concisely and under *distinct* heads the grounds of objection to the order appealed against without any argument or narrative and such grounds shall be numbered consecutively. The memorandum of appeal shall be accompanied by the copy of the order furnished to the petitioner under rule 13 above or by an authenticated copy of such order.

17. When a memorandum of appeal is admitted, the appellate authority shall fix a date for the hearing of the appeal and shall give due notice thereof to the appellant.

18. On the day so fixed, or any other day to which the hearing may be adjourned, the appellant if he appears shall be heard in support of the appeal.

19. When an appeal is heard ex parte in the absence of the respondent and if the decision is given against him, the appellate authority may on application by the respondent rehear the appeal, if he proves that the notice was not served upon him or that he was prevented by sufficient cause from attending when the appeal was called on for hearing.

20. If the appellate authority considers that further evidence is necessary, it may take evidence itself or may direct the officer, whose order is appealed against to take additional evidence and to transmit the record thereof to the appellate authority by a specified date. It may also issue orders staying the execution of the orders passed under sections 11 and 16 of the Act which are appealed against pending the final disposal of such appeals.

21. In all cases where additional evidence is directed or allowed to be taken, the appellate authority shall specify the points on which evidence is to be taken.

22. Nothing in rules 17 to 21 shall prevent the appellate authority from rejecting an appeal summarily, if on perusal thereof and after hearing the appellant if it considers that there is no sufficient ground for interference. Nor shall an enquiry be held to be defective merely by reason of the non-observance of all the formalities laid down in the rule 11 supra, unless it shall appear to the appellate authority that the appellant has thereby been materially prejudiced.

23. The Officers hearing the appeal shall record his decision and reasons thereof in his own hand in English and shall furnish a copy of it free of charge to the appellant as well to the Officer or proprietor.

24. Rules 16, 20, 21 and 23 shall apply to appeals preferred to Board of Revenue. The memorandum of appeal shall be accompanied by the copies of orders furnished to the appellant under rules 13 and 23 or by authenticated copies of such orders.

G.O. Ms. 677, Rev., d. 12-2-1957.

Appx. V.

FORM A.

[Referred to in Rule 5.]

Name of the estate.	Villages.					The class of village officers and their names.	Emoluments derived from																			Remarks.
	Serial number of	Names of	Area.	Population.	Beriz.		Lands.												Assessment or rent of lands.		Meras or fees payable by the tenants.		Ready money payments made by the proprietor.		Total emoluments.	
							Inams granted or continued by Government.						Inam granted by the proprietor.						Assigned by Government.	Assigned by the proprietor.	Excluded from the assets of the estate.	Not so excluded.	Excluded from the asssets of the estate.	Not so excluded.		
							Extent.			Assessment or rent.			Extent.			Assessment or rent.										
							Dry.	Wet.	Total.	Dry.	Wet.	Total.	Dry.	Wet.	Total.	Dry.	Wet.	Total.								
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)	(27)
						Karnam																				
						Headman or monigar ..																				
						Talayari or kavalgar ..																				

Notes.—*Column* (3).—All the villages shown in the latest census returns (not excepting hamlets) should be shown separately in this register.

Column (4).—The area to be shown should be that ascertained at the survey in the case of villages that have been surveyed; otherwise the areas given in the census returns of 1881 should be given. When these sources of information fail, paimash areas may be entered.

Column (5).—The population should correspond with that given in the latest census returns.
(Lists containing the names, area and population of villages should be furnished to proprietors, if required, from the taluk offices.)

Column (6).—The beriz to be entered is the gross rent payable to proprietor. The assessment that would be payable to Government direct on the minor inams (whether personal or service) situated in the village, and water-cess due to Government for the irrigation of minor inams and of zamindari lands the occupants of which pay water-cess direct to Government as well as rents of forests, quarries and chunam shell pits should also be shown in separate lines.

Column (7).—All headmen or monigars or persons in possession of the inams attached to this class of offices should be shown in this column, whether they are known by the name of Kharjis, Nayudus, Revenue Nayudus, Dolabras, Pettandars, Munsifs, Maniyakarans, Peddakapus, Patels, Reddis, Pattamonigars, Nattamakarans, Amanidars or Ambalagars or by other similar appellations. All talaiyaris or kavalgars, or persons in possession of inams attached to this class of offices, should also be entered whether they are known by the name of mokhasa, village or hill peons, kotwals, barikis, dandasis, vettivasas, barbers, naickwadis, mohatads, village and jangi kattubadis, achukavalis, nadtalaiyaris, kavalis, vicharippugars, talamkaval or other names of similar import. All persons doing the duties of talayaris should be shown in this column, even if they are called vettis. The names of all persons in possession of the inams attached to the village offices should be shown in this column, whether working or non-working or working in rotation. Where inams are really attached to this office, this column should not be left blank merely because the proprietor has engaged his own agent to maintain accounts or does karnam's work himself.

Columns (8)—(10) *and* (14)—(16).—The extent may be given in Indian measures if so recorded in the accounts available. The conversion into English measures will be done in the taluk office.

Columns (11)—(13) *and* (17)—(21).—These columns should show the paimash or the settlement assessment whenever ascertainable; otherwise the rent payable to the inamdars.

Column 27.—It should be stated in this column whether the persons in enjoyment of the inams are working or non-working or work in rotation.

For each class of officers a note should be added at the end of register specifying the duties rendered by them (1) to the proprietor and (2) to the Government. The proprietor should also submit specimen forms of the accounts and returns maintained and prepared by the karnams, and specify the dates, before which they are completed or submitted to him.

. Ms. 1329, Rev., d. 25-8-38. B.P. Press, 5, d. 8-2-39. G.O. Ms. 2760, Rev., d. 11-7-56.

Appx. V.

FORM B.

[Referred in Rule 5.]

Notice of appointment of village officers and servants submitted to the divisional officer under section 9 *of the Proprietary Estates' Village Service Act II of* 1894.

(1) Date and number of the letter in which the vacancy now filled up was reported under section 8.

(2) Name of the person appointed to the vacant post.

(3) How the nominee is related to the previous permanent incumbent.

(4) Whether there is any nearer heir to the previous permanent incumbent, and, if so, why his claims are overlooked.

(5) Age and sex of the nominee.

(6) Whether the nominee is physically and mentally capable of discharging the duties of the office.

(7) Whether the nominee has been convicted by any criminal court of any offence, and, if so, of what offence and when.

(8) Date or dates on which the nominee passed the educational tests prescribed for the post, if any.

(9) Landed property, if any, possessed by the nominee and value thereof.

(10) If the appointment relates to the head of a village or a village accountant, whether he has either petitioned to be adjudged an insolvent or is adjudged an insolvent.

(11) Whether the nominee has been dismissed from any post under the Government, and, if so, on what grounds, by whom and when.

Date

Proprietor of

PLACE

B.P. 284, d. 3-12-09.
B.P. 350, d. 19-10-97.
G.O. No. 2341, Rev., d. 15-10-41.
B.P. Press, 42, d. 21-8-41.
B.P. Press, 5, d. 24-1-51.

Appx. V.

FORM C.

[Referred to in Rule 5.]

Roll of persons selected for village offices under section 15 (1) *of Act II of* 1894.

Villages or group of villages and serial number of new group in the Board's Proceedings sanctioning the scheme.	Date of receipt by proprietor of copy of notification sanctioning the scheme.	Sanctioned establishment according to		Last permanent holders of the office at the time of revision.	Persons selected as being best qualified from among the last holders or families of the last holders in column (5).	If selection is not made from among last holders in column (5), relationship of the nominees to the last holders.	Age and qualifications of persons selected.	Proprietor's remarks.
		Old scale.	New scale.					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

G.O. Ms. 2760, Rev., d. 11-7-56.

FORM D.

[Referred to in Rule 5.]

Roll of persons selected for village offices under section 15 (2) *of Act II of* 1894.

Villages or group of villages and serial number in the Board's Proceedings sanctioning the scheme.	Date of receipt by proprietor of notice to select.	Sanctioned establishment according to		Last permanent holders of the office at the time of revision.	Persons selected as being best qualified among the last holders in column (5).	Age and qualifications of persons selected.	Proprietor's remarks
		Old scale.	New scale.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

B.P. 13. d. 18-1-13. B.P. 190, d. 21-7-13. G.O. Ms. 2760, Rev., d. 11-7-56.

Appx. V.

Schedule of accounts maintained by karnams.

[Referred to in Rule 6.]

I. For lands held under the sharing system—

(*a*) Account showing the cultivation of seri and home-farm lands.
(*b*) Statement of fields, the crops on which are ready for harvest.
(*c*) Account of estimation of crops.
(*d*) Account of shavi or failure of crops.
(*e*) Account of gross produce.
(*f*) Statement showing customary division of produce between proprietor and tenants.
(*g*) Accounts showing shares of outturn taken by the proprietor and by the ryots and meras and other emoluments of village servants.
(*h*) Village dowle fixed on proprietor's share.
(*i*) Account showing proprietor's share of grain stored, expenditure and balance.
(*j*) Demand, collection and balance of produce.

II. For lands paying money rents—

(1) Individualwar holding and assessment.
(2) Account of money rents.
(3) Extent and assessment of garden lands and account of trees paying rents.
(4) Individual account of inams, whether paying quit-rent, jodi or kattubadi or exempt from it.
(5) Chitta or cash account.
(6) Tandal or collection account.
(7) Virasu or total account.
(8) Demand, collection and balance of assessment and other money rents.
(9) Remittance list.
(10) Accounts showing expenditure incurred on behalf of the proprietor.

III. General accounts—

(1) Adangal or crop cultivation account of seri, home-farm and inam lands.
(2) Account of lands relinquished.
(3) Statement showing the cultivation of waste and poramboke lands.
(4) Account of measurement of lands taken up on darkhast.
(5) Account of waste lands taken up for grazing purposes.
(6) Accounts showing the holdings of each ryot.
(7) Register of transfer of holdings and vars list or transfers by succession.
(8) Road-cess account.
(9) Account of takkavi or advances paid to ryots.
(10) Demand, collection and balance of each ryot.
(11) Statement showing the estimated quantity of water in tanks and the distribution thereof.
(12) Rainfall account.
(13) Monthly account of prices.
(14) Kistbandi account.
(15) Birth and death registers.
(16) Register of lands belonging to the Government.

(17) Register of extent of lands in the village, specifying the boundaries and landmarks and showing their appropriation, viz., arable, cultivated and uncultivated, pasture, occupied for houses, gardens, rivers, tanks, springs or wells and waste in hills, jungles and rocks. Appx. V.

G.O. Ms. 1329, Rev., d. 25-5-38. B.P. Press 5, d. 8-2-39.
G.O. Ms. 2760, Rev., d. 11-7-56.

Rules under section 32 of the Proprietary Estates' Village Service Act.

NOTICE.

In exercise of the powers conferred by section 32 of the Madras Proprietary Estates' Village Service Act II of 1894 and in addition to the rules published at pages 1231—1235 of Part II of the *Fort St. George Gazette,* dated the 9th November 1897, the Board of Revenue has been pleased, with the approval of Government, to make the following rules :—

Receipts and charges of the Proprietary Estates' Village Service.

I. The Proprietary Estates' Village Service receipts fall under the following heads :—

(1) Uncollected arrears of cess, if any, which had fallen due prior to 1st April 1912.

(2) Quit-rents imposed on inams enfranchised under section 17 exclusive of the jodi, if any, payable to Government.

(3) Interest on arrears of quit-rent.

(4) Payments made by proprietors of estates under section 27.

(5) Penalties and fines imposed under the Act and other miscellaneous receipts.

(6) Assessment on resumed or relinquished village service inams in proprietary estates.

The charges are as follow :—

(1) The pay and allowances of village officers specified in section 2 of the Act, viz., village accountants, heads of villages and village watchmen.

(2) The cost of all, proceedings taken under clauses (1) and (2) of section 6 of the Act.

(3) All charges connected with the discharge of the duties of village officers such as the following :—

(*a*) Cost of construction and repair of village chavadis and tanahs ;

(*b*) Cost of belts and badges.

(*c*) Rents, rates and taxes.

(4) The cost incurred in connection with the enfranchisement of village service inams in proprietary estates under section 17 of the Act.

B.P. 99, d. 14-4-16.

Salaries and allowances of the village officers.

II. (*a*) *Vaccination certificates.*—Every person appointed to a village office under Act II of 1894 should produce in such form as the Government may prescribe either a vaccination certificate or the equivalent declaration that he was attacked with smallpox after his tenth year.

(*b*) *Salaries of village officers.*—Holders of village offices in proprietary estates [b]in which the system of payment of money salaries has been introduced[b] shall be paid fixed monthly salaries according to the scale sanctioned by [a] the Board of Revenue [a] in the scheme for the organization of village establishments in such estates.

[b] B.P. 284, d. 3-12-09. [a] B.P. 99, 14-4-16.

Appx. V. III. *Alteration in the scale of establishments.*—When a change, temporary or permanent, is made or proposed in the Proprietary Estates' Village Service establishment, a letter fully explaining the grounds of the proposition [a] should be submitted to the Board of Revenue [a] along with a statement in Madras Financial Code, Form No. 3. If the change will affect only a section of the establishment, the number and cost of the other sections may be shown in totals without detail, but full particulars must be given for all sections in which any alteration is recommended. The proposition statement should, before submission to [a] the Board, [a] be forwarded to the treasury deputy collector for verification of the figures in the column headed "Present scale."

[a] B.P. 284, d. 3-12-09.

IV. *Acting allowances of village officers.*—The rules laid down in the Fundamental Rules as regards pay and acting allowances shall not apply to village officers of villages in proprietary estates.

When a substitute is appointed during the absence of the permanent incumbent on leave or suspension, the whole pay of his office should be disbursed to the substitute, except when he holds office in another village, or holds a different office in the same village, in which case the following rules should be observed :—

When a karnam, headman or talaiyari of a village discharges the duties of two or more villages or of an additional office in the same village, he may, with the sanction of the divisional officer, be granted the full pay of both or all the offices in question for a period not exceeding three months from the date when the arrangement begins. The three months' limit applies not only to cases when the same officer continues in charge for a period exceeding three months but also to cases in which different officers hold charge.

B.P. 334, d. 4-8-14. B.P. 48, d. 19-5-31.

V. *The treasury officer's responsibility.*—The treasury officer is responsible for seeing that all sums paid into the treasury on account of the Proprietary Estates' Village Service are duly brought to account and that no payment is made otherwise than on bills in proper form duly signed by an officer having authority to do so.

Notes.—(1) Payment may be made only to the drawer of a bill, or to the person, if any, in whose favour he may have endorsed it. In either case, the actual payee's receipt must be taken at the time of, or after, payment in token of his having received the money.

(2) Before paying a bill, the treasury officer should see whether he has received any retrenchment order from the treasury deputy collector in his capacity as auditor, and should make such deduction from the bill as he may have been called upon to make.

VI. *Budget estimates of charges.*—An annual estimate of the proposed expenditure on account of the Proprietary Estates' Village Service should be prepared in accordance with the rules governing the preparation of budget estimates and any special orders that may be issued and should be forwarded to the Board of Revenue for revision, consolidation and submission to Government. The forms in which and the dates on which the estimates should be sent will be prescribed by the Board of Revenue.

VII. *Method of payment of the salaries and allowances of village officers.*—In consultation with the Accountant-General, the Board of Revenue will, from time to time, issue detailed instructions for the guidance of subordinate officers in regard to the method of drawing and disbursing the salaries and allowances of village officers and of incurring other expenditure relating to the Proprietary Estates' Village Service.

B.P. 99, d. 14-4-16.

VIII. *Definition.*—In these rules the word "Government" means "the Government of Madras."

G.O. Ms. 1329, Rev., d. 25-5-38. B.P. Press 5, d. 8-2-39.

APPENDIX VI.

[Standing Order No. 148, paragraph 3.]

Recommendation roll for appointment to village offices under section 10.

Taluk. (1)	Village. (2)	Name of vacant office. (3)	Reason why the office is vacant. (4)	Name of the candidate. (5)	Date of birth. (6)	Relationship to last holder. (7)	Whether the candidate is physically and mentally capable of discharging the duties of the office or not. (8)	If the vacant office is that of head-man or accountant, whether he has either petitioned to be adjudged an insolvent or is adjudged an insol-vent. (9)	Whether the cadidate has passed the headman's or karnam's special test; if so, page and date of publica-tion of the fact in the district gaz-ette and if the vacant post be a karnam's office whether the candi-date has produced the prescribed certificate showing that he has undergone the training in survey at an authorized karnam's school. (10)	Whether the candidate is exempt from the examination rules under rule 22 of the rules framed under Act III of 1895. (11)	Whether the candidate has ever been convicted by a criminal court; if so, details of offences and punishments should be given. (12)	Whether the candidate has previously been in Government service; if so, when and in what offices and why the candidate left them. If he has been dismissed from any post under the Government, on what grounds, by whom and when he has been dis-missed. (13)	Whether the candidate at present resides in the village or not. (14)	Whether the candidate has been vaccinated or has had smallpox. (15)	Remarks. (16)	Divisional officer's orders. (17)

Note.—Candidates should be arrranged in their order of succession as heirs of the last holder, and the officer making the recommendation should certify that, to the best of his knowledge, there are no nearer heirs (according to the general custom and rule of primogeniture governing succession in impartible zamindaris in Southern India) than those Mentioned above. If the nearest qualified heir is unwilling to take up the appointment, his written statement to that effect should be enclosed.

Tahsildar.

B.P. 209, d. 12-10-00.
B.P. Press 104, d. 13-8-36.
G.O. 3773, d. 17-12-12.
G.O. 2341, Rev., d. 15-10-41.
B.P. Press 5, d. 24-1-51.
B.P. Press 42, d. 21-8-42.
B.P. Press 41, d. 15-6-33.
G.O. Ms. 2760, Rev., d. 11-7-56.

Chapter XIII.

REVENUE INQUIRIES UNDER REGULATION IX OF 1822.

158. Scope of Regulation.—[a] Madras Regulation IX of 1822 provides for the primary cognizance of cases of malversation, embezzlement and general abuse in revenue affairs by public and quasi-public servants amenable to the Collector's jurisdiction.[a] [b] All servants of public establishments under Collectors, including village officers, are punishable under the Regulation.[b] [c] Persons employed in the management of attached estates[c] and [d] village officers in shrotriyams are held to be similarly punishable,[d] but [e] complaints made by ryots in private estates against the proprietors' agents cannot be disposed of under the Regulation.[e] [f] The fact of persons having left the service previous to their trial does not bar the Collector's jurisdiction.[f]

Note.—Regulation IX of 1822 has been amended and supplemented by Regulations III of 1823, VII of 1828 and III of 1832, and Madras Act XXXVI of 1837.

[a] Preamble to Regulation IX of 1822.
[a] Progs. of Faujdari Adalat, d. 10-5-52, Note 6, paragraph 3 (M., Vol. II, p. 202).
[b] Cl. 3, s. 2 of Regulation IX of 1822.
[c] Progs. of Faujdari Adalat, d. 30-4-1834 (M., Vol. I. p. 160).
[d] B.P., d. 28-8-51, Note 2 (M., Vol. II, p. 34).
[e] Progs. of Faujdari Adalat, 30-4-1834, Note 3 (M., Vol. I. p. 161).
[f] Progs. of Faujdari Adalat, 17-5-53 (E.M.C., No. 2143, d. 15-8-53) (M., Vol. II, p. 199, Note 3).

2. *Cases in which it should be applied.*—[g] Where public servants are charged with offences clearly included in the classes defined in clause 2, section 2 of Regulation IX of 1822, and the charge is supported by reasonable prima facie evidence, and is at the same time of a magnitude to require that a severe penalty should follow conviction, it is desirable that the Collector should avail himself of the powers conferred by the Regulation, unless the circumstances of the case permit of the same object being secured by the institution of criminal proceedings under the Indian Penal Code. A public example will check frauds and malversations among a class of men who possess great facilities for carrying on malpractices without detection. But in trifling cases such as would call for no great punishment, if proved, proceeding to a formal trial under the Regulation is unnecessary and inexpedient. It will be better that, on such occasions, the Collector should have recourse only to the punishments he is empowered to award under his general authority as head of the revenue establishment. Petty cases of fraud by village officers should be disposed of in this manner [g].

[g] B.P., d. 15-7-1839 (M., Vol. I. p. 265).

3. *Delegation of inquiry to subordinate officers.*—The first and fourth clauses of section 4 of Regulation VII of 1828 authorize Collectors to refer for investigation to tahsildars all such petty cases of embezzlement as are punishable with a fine not exceeding Rs. 50. The Regulation, however, is permissive only. [a] All important charges against village officers should be inquired into by divisional officers, the importance of the case being

estimated not by the amount embezzled, but by the circumstances connected with it.[a] Tahsildars cannot take up cases of malversation by village officers under Regulation IX of 1822, unless referred to them under Regulation VII of 1828.

[a] B.P. 2431, d. 28-11-73. [a] B.P. 378, d. 23-12-15.

4. *Nature of inquiry.*—(i) Collectors acting under Regulation IX of 1822 must consider themselves as exercising judicial functions. The regulation is of a highly penal character, and it is of much importance that the investigations, which Collectors are authorized to make, should be conducted and recorded in the regular form of a judicial inquiry with a view to revision by the Board and the Government when the case goes before them.

B.P., d. 13-4-1826, paragraph 1 (M., Vol. I, p. 42).

(ii) [a] The evidence before the Collector should be taken on solemn affirmation.[a] [b] The charges and the plea of the accused should be distinctly recorded in writing, and the evidence should be fully taken down. The witnesses should invariably be examined in the presence of the accused, including both those in support of the charges and those for the defence, and the accused should be allowed to cross-examine them. All documents produced in evidence should be submitted for the inspection of the accused, and his remarks thereon should be recorded.[b] [c] To enable Collectors to determine the charges to be preferred against an accused person, they may take evidence in his absence and without his knowledge. But before any evidence so taken can be used against him, it must be shown to him together with the written charges founded thereon and must be re-affirmed in his presence, and an opportunity must be afforded to him for cross-examining the witnesses who have given and re-affirmed that evidence. The accused should then be required to give his answers to the charges against him and to produce evidence in support of his answers. If he has any difficulty in procuring the attendance of his witnesses, the Collector should compel their attendance by summons under Madras Act III of 1869.[c]

[a] B.P., d. 31-12-1835, Note 3, paragraph 7 (M., Vol. I, p. 198).
[a] Section 4, Regulation IX of 1822.
[b] B.P., d. 13-4-1826, paragraph 2 (M., Vol. I, p. 42).
[c] B.P., d. 19-6-1826, paragraph 2 (M., Vol. I, p. 45).

5. *Judgment.*—[d] The Collector, in passing judgment on the case, should briefly sum up the evidence on the several charges and record in English a distinct sentence of acquittal or conviction on each, with a concise statement of the grounds on which the sentence is founded.[d] [e] In every case in which judgment or order is passed upon a person under the provisions of section 5 or 6 of Regulation IX of 1822, the officer passing sentence will orally inform him of the period allowed for appealing and will endorse upon the copy of the judgment or order delivered to him the date on which the appeal time will expire.[e] [f] Such copy shall be delivered free of all charges to the defendants at the close of the proceedings [f].

[d] B.P., d. 13-4-1826, paragraph 2 (M., Vol. I, p. 42).
[d] B.P., d. 31-12-1835 (M., Vol. I, p.p. 194–202).
[d] B.P., d. 30-5-1844 (M., Vol. I, p. 356).
[e] B.P., d. 8-1-1830 (M., Vol. I, p. 104).
[e] B.P., 90, d. 18-3-95.
[f] B.P., 1120, d. 18-5-86.

6. *Sentence and execution.*—[a] As regards punitive powers, it should be observed that the distinction between offences under clause 2, classes 1, 2 and 3 as defined in section 2 and offences under clause 2, classes 4 and 5, is clearly defined and maintained throughout Regulation IX of 1822; as also is the punishment to be awarded in each case and the procedure to be followed subsequent to conviction. Section 5, clause 1 of the Regulation empowers the Collector to sentence persons convicted of offences under classes, 1, 2 and 3 to pay any sum not exceeding twice the amount of the money ascertained to have been extorted, unduly received, embezzled or misappropriated.[a]. It should be clearly understood that a fine of double the sum proved is the maximum punishment to be awarded, and that it should be inflicted only in cases of a very aggravated nature. [b] After judgment for payment of such sum, the convicted person is, under section 5, clause 2 of the Regulation, to be kept in custody until the judgment is satisfied; first in the Collector's cutcherry and afterwards, if necessary, in the district jail as provided. That is to say, in default of payment, judgment for the recovery of the sum should issue, and execution should follow as prescribed in section 5, clause 3. In the event of no property, or not sufficient property being forthcoming, the Collector must, under section 13, clause 2, forward the defaulter to the District Court and proceed as directed in the last-named section. The treatment of persons convicted of offences defined in classes 1, 2 and 3, section 2, is analogous to that prescribed for ordinary revenue defaulters, and charges for their diet should be included under "25. General Administration—District Administration". The case of persons convicted under classes 4 and 5, section 2, is different. Under section 5, clause 4, the Collector must impose a fine not exceeding Rs. 500, and must further award, in default of payment, imprisonment not exceeding twelve months, or until the fine is paid. In these cases no order for recovery of the fine is necessary; it is for the convicted person to pay the fine, and imprisonment follows immediately on judgment passed, in default of payment. Persons so convicted stand, therefore, on the same footing as any other person criminally convicted, and must be dealt with accordingly. If sentenced to less than one month's imprisonment, they will be sent to the jails provided under the Jail Code for other persons sentenced to like terms of imprisonment; and if sentenced to more than one month's imprisonment, they will be sent under police guard to the District Jail, and the charges for their diet will be debited to the usual head under "27. Administration of Justice". There is, however, no reason why Collectors should not exercise the discretion which magistrates exercise in permitting convicted persons reasonable opportunity to obtain and pay the fine awarded, if due precaution is taken to prevent miscarriage of justice by the escape of the prisoner.[b]

[a] B.P. 3478, d. 16-3-71. [b] B.P., d. 4-6-1835 (M., Vol. I., p. 184).

G.O. Ms. 1537, Rev., d. 11-4-56.

7. *Revisional and appellate proceedings*—(i) *Before Collector under clause* (3), *section* 3 *of Regulation VII of* 1828.—Collectors have power to revise the proceedings of Subordinate and Assistant Collectors in all cases

tried by them under Regulation IX of 1822, and to confirm, modify or annul their sentences. This power may be exercised in all cases in which appeals from the judgments of such subordinate officers are preferred to the Collector under section 6 of Regulation VII of 1828.

B.P., d. 11-8-1831 (M., Vol. I, p. 121).

Note.—Under Madras Act VII of 1914, the expressions "Subordinate Collectors" and "Assistant Collectors" include "Deputy Collectors".

B.P., 378, d. 23-12-15.

(ii) *Before the Board.*—[a]Persons deeming themselves aggrieved by the decisions of Collectors are at liberty, at any time within three months from the date of such decision, to present to the Collector a petition of appeal addressed to the Board of Revenue. It is competent, however, to the Board of Revenue to admit an appeal presented after the limitation period of three months if just and reasonable cause for the delay is shown. The petition shall be written on plain paper, need not be stamped under the Court Fees Act, and shall state the grounds on which the petitioner deems himself aggrieved and the redress or relief to which he considers himself entitled.[a] [b] The appeal petition should be forwarded by the Collector to the Board of Revenue together with the original proceedings within three weeks from its receipt, accompanied by a letter containing such remarks as may be called for by the allegations in the appeal petition. [b] [c] Should a Collector fail to conform to the instructions in regard to recording a judgment in English or noticing the allegations contained in the appeal petition, the proceedings in the case will be returned for revision.[c] When disposing of the appeal, the Board will either direct the relief prayed for by the petitioner to be granted, or will report the case for the orders of Government, or will simply reject the petition under the hand of the Secretary, referring the party complaining to seek redress, if he thinks proper, in the regular tribunals. When the Board refers an appellant to the regular tribunals, he must submit his appeal to those courts within three months from the date of delivery of the Board's orders.

[a] Cl. 1, sec. 6 of Reg. VII of 1828. [b]B.P., d. 31-12-1835 (M., Vol. I, pp. 194-95).
[c] B.P., d. 30-5-1844 (M., Vol. I, p. 356).

(iii) *Before Government.*—[d] No appeal lies to Government from decisions under Regulation IX of 1822.[d] [e] But the Government are fully competent, whenever they may see fit under their general powers of revision, to control the proceedings of the Board of Revenue upon petitions presented to them against the acts of Collectors under the Regulation and to direct the Board of Revenue to grant the relief prayed for or refer the party complaining to the regular tribunals.[e]

[d]G.O. 500, d. 29-3-80. [e] B.P., d. 31-12-1835 (M., Vol. I, pp. 194-202)

8. *Suspension of sentence pending appeal.*—The summary judgments passed under the Regulation should not be hastily enforced, particularly by the sale of property. If the property is secured in the first instance, it can be sold at any period most convenient to all persons concerned.

B.P., d. 13-4-1826, paragraph 4 (M., Vol. I, p. 42).
G.O. Ms. 1537, Rev., d., 11-4-56. B.P. Mis. 1346, d.28-9-1956.

9. *Miscellaneous instructions.*—It is advisable that the powers vested in Collectors by sections 7, 8, 9 and 13 of Regulation IX of 1822 should be exercised with lenity and forbearance, particularly in cases in which superior Indian servants are concerned. Whenever it may be found necessary to proceed under section 9 to search a private house for papers, etc., care should be taken to mention in the warrant the manner in which it is to be executed, as laid down in that section. Collectors should bear in mind that any omission to take the attested lists specified therein may invalidate their proceedings and involve them in much responsibility. Though Collectors are authorized by section 6 of Regulation IX of 1822, in cases "where money actually delivered in charge to a public servant has been embezzled, or is not forthcoming when called for and the amount embezzled has been clearly ascertained by reference to the public accounts of the cutcherry," to proceed to recover the amount in the same manner as for the recovery of arrears of revenue, it is not competent to them to impose a fine as a penalty for the crime of embezzlement without evidence taken in a regular judicial manner.

B.P., d. 13-4-1826, paragraph 5 (M., Vol. 1, p. 43).
B.P., d. 13-4-1826, paragraph 6 (M., Vol. 1, p. 43).

Chapter XIV.

OFFICE ROUTINE.

159 to 172 Deleted.

G.O. Ms. 2059, Rev., 28–5–1956.
B.P. Mis. 1348, d. 28–9–1956.

PART I.—INSPECTION OF PUBLIC DOCUMENTS AND GRANT OF COPIES.

173. Inspection of public documents and grant of copies.

SECTION I.—SEARCH FOR PUBLIC DOCUMENTS.

Application for search.— Every person requiring a search to be made among the records of an office for the purpose either of inspecting a document or of obtaining copies or extracts thereof, must submit an application to the head of the office, in the form given in Appendix I, stamped with a court-fee stamp of the value of twenty-five naye paise. In the case of records in the custody of villlage officials, the application should be made to the tahsildar of the taluk in the first instance.

Article 10 (*a*) or 10 (*k*) (ii) as the case may be, of Schedule II of the Madras Court Fees and Suits Valuation Act, 1955.

G.O. Ms. 2059, Rev., d. 28–5–1956.
Govt. Memo. 50236-A/56-1, Rev., d. 16–8–1956.
G.O. Ms. 286, Rev., 21-1-1957.

Notes.—(1) A seperate application need not be presented in respect of each document of which inspection or copy is required.

B.P. 253, d. 31–1–83. B.P. 592, d. 13–10–93.

(2) Enclosures or annexures to letters, accounts or other documents form part of the documents to which they appertain, and are not reckoned for the purposes of search as separate documents.

B.P. 253, d. 31–1–83.

(3) Applications from public servants of all classes (other than village officers who are entitled to file suits and prefer appeals under an Act of the Legislature) for copies of orders relating to departmental punishments are exempt from payment of stamp duty.

B.P. 305, d. 13–9–97. G.O. 1225, d. 9–11–04.
B.P. 284, d. 15–12—04. B.P. 3 (Confdl. 3), d. 5–1–05.
G.O. 3634, Law (Genl.), d. 4–10–1932.

(4) Applications for copies of record of measurements in municipalities are not liable to be charged with court-fee.

G.O. 1498, Home, d. 11–4–1942.
B.P. Press 10 (M), d. 13–8–1942.

2. *Scale of search fees.*—When the document applied for belongs to a year previous to the current calendar year, a search fee, in court-fee stamps, according to the subjoined scale, must be affixed to the application—

	RS.	NP.
(i) *When the document belongs to any year prior to the calendar year but is not more than* 10 *years' old*—		
(*a*) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for, then for that document or entry.	1	00
(*b*) Fee payable for every document or entry *other than the first* included in the same application and connected with the same subject ..	0	50
(*c*) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	0	50
(ii) *When the document is more than* 10 *years' old but does not relate to any year prior to* 1858—		
(*a*) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for, then for that document or entry.	2	00
(*b*) Fee payable for every document or entry *other* than *the first* included in the same application and connected with the same subject ..	1	00
(*c*) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	1	00
(iii) *When the document belongs to a year prior to* 1858—		
(*a*) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for then for that document or entry.	5	00
(*b*) Fee payable for every document or entry *other than the first* included in the same application and connected with the same subject ..	2	50
(*c*) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	2	50

Notes.—(1) Only one search fee at the rate applicable to the document need be paid for all papers filed together and forming a single record. For instance, a person applies for all the depositions relating to a magisterial case, he need only pay *one fee applicable to the whole record in which they are filed.* But in the case of Oake's register or Stratton's report or Circuit Committee Accounts separate search fees shall be levied for each item contained in the same volume.

(2) The search fee rules are applicable to judicial as well as to revenue records. The fees should be levied in respect of all documents of which copies are applied for in civil and criminal cases, provided that the application of the rules to judicial records is not inconsistent with any special provisions of law or notifications having the force of law by which courts may be required to grant copies or to allow the inspection of documents free of charge.

G.O. 2109, Rev. d. 15-10-37. B.P. 124, Press, d. 15-11-37.
B.P. 3, Press, d. 11-2-54. G.O. Ms. 286, Rev., d. 21-1-57.

3. *Action to be taken on payment of search fees.*—A receipt should be furnished to every person depositing a search fee, and a search should then be made for the document applied for. If the document is not found, the fee will not be refunded; but the applicant will be furnished with a certificate stating that the document or entry sought cannot be found. If the document is found, the fee paid for the search will entitle the applicant to read the document, or to have it read to him; but it shall not entitle him to take a copy of the document, or to make extracts therefrom.

B.P. 253, d. 31-1-83. B.P. 592, d. 13-10-93.
B.P. 159, d. 13-5-93.

Note.—The receipt may be signed by the chief ministerial officer of the office in which the deposit is made.

B.P. 231, d. 8-5-93. B.P. 592, d. 13-10-93.

4. *Inspection of village accounts by ryots.*—Ryots are permitted without payment of fee to inspect and make notes of entries in the following accounts and documents in the possession of the village officers, so far as such entries relate to themselves or to land in which they are interested:—

Permanent registers A and B.
Village accounts Nos. 1, 2, 2-A, 6, 7, 10, 13, 14 and 16.
Survey plans.
Field measurement books.

In the case of village accounts Nos. 1, 2, 2-A, 6, 7, 13, 14 and 16 this concession is limited to the accounts of the current fasli and the fasli preceding it.

G.O. Mis. 1454, Rev., d. 22-7-29. B.P. 64, d. 13-8-29.

SECTION II.—GRANT OF CERTIFIED COPIES.

A.—POWERS.

5. *General.*—If any person applies for a certified copy of a public document and his application is not supported by a court certificate that its production is necessary in some suit or proceedings, he should be required, before the question of granting the copy is considered, to satisfy the authority empowered to grant the copy that he is so interested in the subject-matter of the document concerned as to be entitled to a copy of it and that he requires the copy *bona fide* for his own use. If the application is supported by a court certificate and if the sanctioning authority empowered to grant the copy considers that the document is one in respect of which privilege under section 123 of the Indian Evidence Act would be claimed if a summons for its production were received from the court, he should refuse to grant the copy to the applicant and inform the court which issued the certificate that the document will be produced under the ordinary rules relating to the production of privileged documents if summons is issued by the court. Subject to these conditions, the powers of officers to grant copies are defined below.

G.O. Mis. 1479, Rev., d. 29-7-27. B.P. Mis. 2163, d. 5-8-27.

6. *Powers of Tahsildars and Deputy Tahsildars.*—[a] Tahsildars and Deputy Tahsildars are authorized to grant (1) copies of records relating to cases of transfers of revenue registry and darkhasts disposed of by themselves, [a](2) [b] copies of applications for relinquishment of land, [b] (3) [c] extracts from field measurement books,[c] (4) [b]copies of final orders passed by them on matters within their competence, with any evidence that may have been formally recorded in such cases, [b] (5) [d] copies of papers other than those referred to in paragraph 9 (i) infra relating to departmental inquiries connected with the conduct of village officers and succession to village offices, [d]and [b] copies of jamabandi orders passed by the Collector or divisional officer[b]. [e] Tahsildars are also empowered to grant copies of taluk accounts[e]. Copies of village accounts may be granted by Tahsildars and Deputy Tahsildars in the manner provided in paragraph 13 below.

B.P. 592, d. 13-10-93.
[a]B.P. 2186, d. 24-7-85.
[a]B.P. 3037, d. 6-11-85.
[b]B.P. 351, d. 20-12-98.
B.P. Mis. 804, d. 14-7-21.
[c]B.P. Mis. 1661, d. 11-4-96.
[c]B.P. 59, Sett., d. 13-4-96.
[d]B.P. 513, d. 5-9-93.
[e]B.P. 232, d. 26-6-96.
B.P. Mis. 3791, d. 22-12-32.

7. *Powers of divisional officers.*—Divisional officers may grant copies of documents which originated in their own offices and in offices subordinate to them, but they have no authority to grant copies of documents belonging to the following classes :—

(i) Confidential papers of which the grant of copies may appear to be objectionable.

(ii) Papers connected with inquiries regarding advances under the Land Improvement [a] and the Agriculturists' Loan Acts,[a] or with pensions, yeomiahs, escheats and malikhana allowances.

(iii) Statements made by landholders in connexion with the assessment of land-cess.

(iv) Accounts relating to the subdivision or registry of permanently settled estates.

(v) Papers connected with boundary or water disputes in which Government are or may be a party to a suit instituted, and any papers which might support litigation against Government.

(vi) Papers concerning estates under the management of the Court of Wards.

(vii) Papers in respect of which the grant of copies has been specially prohibited by the Collector.

(viii) [b] Demi-official correspondence[b].

(ix) Papers referred to in paragraph 9 (i) below.

B.P. 3037, d. 6-11-85.
[a]B.P. 418, Sett., d. 21-10-04.
B.P. 592, d. 13-10-93.
[b]B.P. 440, d. 17-5-88.

Note.—Special Deputy Collectors are regarded as divisional officers for the purposes of granting copies.

B.P. 359, d. 19-9-96.

8. *Powers of Collectors.*—(i) The Collector is responsible for the grant of copies of documents on the records of his district, and it rests with him to determine in the case of every application for a copy (except in the case of records referred to in paragraphs 6 and 7 supra, copies of which divisional officers and tahsildars can grant on their own authority), whether

the document is of such a nature that it can be granted without injury to the public interests or without breach of confidence. It is also within the Collector's discretion to prohibit by a general order the grant by his subordinates of any class of documents not otherwise provided for. [c] Copies of accounts [c] or documents [c] relating to estates under the management of the Court of Wards should not be given as a matter of course to applicants other than the proprietors concerned, nor ordinarily except in compliance with an order or summons from a Court for their production.[c]

B.P. 2299, d. 16-4-64. [c] C.P. 1162, d. 20-9-86.
B.P. 3037, d. 6-11-85. [c] C.P. 46, d. 6-8-00.
B.P. 592, d. 13-10-93.

(ii) If an application for a copy is made to a divisional officer, a tahsildar or a deputy tahsildar, and the document is one of which a copy cannot be granted by him, he should forward the application to the Collector with his remarks.

B.P. 2299, d. 16-4-64. B.P. 3037, d. 6-11-85.
B.P. 592, d. 13-10-93.

9. *Discretion in the grant of copies.*—(i) The grant of copy should not be refused merely on the ground of the document being an official report; the general rules in regard to this matter are that no copy should be granted of reports of a confidential character, and that the officer to whom the report is addressed should, in every case, decide whether a copy of it may be granted.

B.P. 649, d. 12-11-91. B.P. 698, d. 5-12-91.
B.P. 592, d. 13-10-93.

(ii) If the Collector considers the grant of a copy objectionable, he should reject the application by endorsement, stating briefly his reasons for doing so—vide rules regarding the grant of copies of correspondence regarding petitions.

B.P. 2299, d. 16-4-64. B.P. 592, d. 13-10-93.
G.O. Mis. 2059, Rev., d. 28-5-56.

(iii) [a]If the Collector is satisfied that there is no objection to the grant of a copy and the document is only a district record, he should instruct the Treasury Deputy Collector or the Divisional Officer or Tahsildar or Deputy Tahsildar concerned to furnish the required copy; but if the document in question be a communication from the Board or from Government the Collector should, in the first instance, address the Board or Government by letter requesting permission to comply with the application[a]. [c]When the Board or Government have once sanctioned by an order addressed to the Collector the grant of a copy of a document to one individual, the Collector may, without further reference to those authorities, grant a copy of the same document to another individual provided that the claim of the second individual to a copy is founded on grounds equal to those of the first. In cases in which a copy was given in the first instance to a person who possessed some special position of claim entitling him to a copy, the mere fact that a copy has been granted to him must not be held to entitle any other person, not possessing that special position or claim, to a copy.

Copies of petitions addressed to the Board or Government may not be granted to private persons other than the signatories to such petitions.[c] [b]The Collector can, however, grant, on application by the parties concerned copies of orders passed by the Board and Government on petitions presented to those authorities ; but passages containing remarks on the conduct of officers or which for any other reason should not be communicated to the parties or to the public should be omitted when such copies are granted.[b] Collectors and other officers may grant copies of Government Orders or other papers which have been published in the Gazette or marked " Press ".

[a]B.P. 2299, d. 16-4-64.
[a]B.P. 3816, d. 5-9-71.
[a]B.P. 309, d. 20-6-92.
[b]B.P. 3037, d. 6-11-85.
G.O. 1958, Rev., d. 27-6-11.
G.O. Ms. 409, Rev., 18-2-32.
[b]B.P. 2722, d. 23-9-85.
[b]B.P. 648, d. 12-11-91.
[b]B.P. 592, d. 13-10-93.
B.P. 176, d. 13-7-11.
[c]G.O. 3073, Rev., d. 22-10-13.
B.P. Mis. 644, d. 25-2-32.

Note.—The Board may grant copies of sanads and kabuliyats.

G.O. Mis. 1159, Rev., d. 20-6-30. B.P. 42, d. 26-6-30.

B.—PROCEDURE.

10. *Registry of applications.*—Applications for copies should be entered in a register maintained for the purpose, in the form given in Appendix II. If there is no objection to the grant of the copy applied for, the applicant should be required to produce or send the requisite number of copy-stamped papers or the fees payable in cash.

B.P. 2299, d. 16-4-64.
B.P. 627, d. 17-10-91.
G.O. Ms. 2059, Rev., d. 28-5-56.
B.P. 253, d. 3-6-92.
B.P. 506, d. 1-9-93.
B.P. 592, d. 13-10-93.

11. *Calculation of charge for copies.*—The charges for copies, whether in the shape of copy-stamped papers or of cash, should be levied on the following scale :—

(i) Where the documents are such as can be copied on copy stamp papers, both sides of the copy stamp paper should be used for writing, whether in English or in an Indian language. A maximum of 175 words should be written on the first (embossed) page of the copy stamp paper. The copying fee for this page will be 32 naye Paise. By suitable ruling, a maximum of thirty lines containing a maximum of 240 words at the rate of eight words for each line should be written on the reverse side of the copy stamp paper. The copying fee to be charged for the reverse side will be as follows :—

When the number of words written does not exceed 175 :	32 naye Paise
When the number of words written exceeds 175.	44 naye Paise.

When the reverse of the copy stamp paper is written on adhesive court-fee labels of the value of 32 naye Paise or 44 naye Paise as the case may be, should be affixed at the top right hand corner of that side and space should be left at the top left hand corner for the endorsement of the copyist.

Notes.—(1) For facility of calculation, 5 and 35 figures, respectively, should be taken to constitute one word and one line.

G.O. Ms. 1193, Rev., d. 23-6-45. B.P. 19, Press, d. 7-7-45.

(2) In times of acute shortage of copy stamp papers, the public will be allowed to use plain white paper affixed with proper court-fee labels for taking copies from Revenue and Judicial Courts and also public offices, subject to the following conditions :—

(*a*) The white paper to be used should be of durable quality and of foolscap size ;

(*b*) the required quantity of white paper, as well as the requisite court-fee labels should be furnished by the parties themselves ;

(*c*) both sides of the white paper should be used for transcribing copies ; and

(*d*) the number of words that can be transcribed on either page and the value of the court-fee labels to be affixed to the white paper will be the same as in the case of copy stamp-papers.

G.O. Ms. 2740, Rev., d. 20-10-51. B.P. Press, 40, d. 2-11-51.

(ii) In the case of inam statements or extracts from survey or other registers which are too large to be copied on two connected sheets of copy-stamped paper, 32 naye Paise in cash for every 175 words or fraction thereof.

G.O. Ms. 641, Rev., d. 6-3-52. G.O. Ms. 4183, Rev., d. 14-11-1956.
Govt., Memo. No. 2879G/57-3, Rev., d. 20-3-1957.
G.O. Ms. 286, Rev., d. 21-1-57.

Note.—The applicant should, in this case, be asked to furnish good paper suitable for the copies.

(iii) In the case of maps or plans, a reasonable fee in cash to be specially fixed by the head of the office.

B.P. 592, d. 13-10-93.

(iv) In the case of land acquisition proceedings, a fee in cash to be fixed by the officer empowered to exercise the functions of a Collector under Act I of 1894.

B.P. 2299, d. 16-4-64. B.P. 627, d. 17-10-91.
B.P. 506, d. 1-1-93. B.P. 66, d. 22-2-97.

No award or agreement under the Land Acquisition Act shall be chargeable with stamp duty and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

G.O. Ms. 1958, Rev., d. 20-8-35. B.P. Press, 110, d. 28-8-35.

(v) No fees are to be charged [c]for copies of orders passed on the conduct of public servants under Regulation IX of 1822,[c] or under Standing Order No. 133 when the applicants therefor are the public servants concerned.

G.O. 3550, d. 9-11-10. [c]B.P. 1120, d. 18-5-86.
B.P. 314, d. 28-11-10. [c]G.O. 1527, Rev., d. 22-8-22.
B.P. 132, d. 11-12-33.

12. *Receipt for copy-stamped papers.*—Every person depositing copy-stamped papers, or paying fees in cash, should be given a receipt by the head ministerial officer of the office in which the deposit or payment is made.

B.P. 253, d. 31-1-83. B.P. 231, d. 8-5-93.
B.P. 592, d. 13-10-93.

13. *Preparation of copies.*—Copies should be prepared by copyists or if necessary as in the case of maps or plans, by persons possessing the requisite technical knowledge to prepare a correct copy ; after preparation, they should be examined by the members of the permanent establishment or by examiners specially appointed for the purpose. The number of words in the copy should be given at its foot and both the copyists and the examiner should sign their names in a corner thereof. The copies should then be certified as true under the signature of an officer authorized to do so. A list of certified copies ready for delivery should be posted on the notice board of the office and should remain thereon for one week. The list should be prepared between 3 and 4–30 p.m. each day and should state the number of copy application and the name of the person to whom the copies are to be delivered. The list should be affixed to the notice board immediately after the office reopens on the following day. After the expiry of the period, the list should be taken down and the copies remaining unclaimed together with the unused copy stamp papers, if any, should be sent to the applicant by post in an official cover superscribed " Certified copies—service unpaid " or " Certified copies and copy stamp papers—service unpaid " as the case may be. If the cover is returned undelivered for any reason, the head of the office should pay the postage out of his office contingencies. The cover and its contents should be retained for two weeks so that, if the addressee appears and applies for the copies in person, they may be handed over to him after recovering the cost of the postage paid from the contingencies. If he does not so appear, the certified copies should be destroyed and a note of such destruction made in the remarks column of the copy application register against the item concerned. The unused copy stamp papers, if any, should be sent to the local or the nearest sub-treasury officer. Revenue Divisional Officers, Treasury Deputy Collectors and Collectors should scrutinize the register at the time of their inspections. In the case of applications for copies of village accounts, Tahsildars and Deputy Tahsildars may receive the copy stamp papers from the applicants and forward them to the karnam of the village with instructions to prepare the necessary copies and to return them duly authenticated along with the unused sheets of paper, if any. The copies will then be delivered to the applicants and the necessary arrangements made for the payment of the copying and examining fees to the karnam.

G.O. 1767, Pub. (Elec.), d. 18–8–41. B.P. Press 90, d. 6–9–41.

Note.—The copyist or other person employed for making copies of maps or plans should provide himself with suitable tracing cloth and other materials at his own cost.

B.P. 506, d. 1–9–93. B.P. 592, d. 13–10–93.

14. *Copyists and Examiners.*—Copies of public documents furnished on the application and at the cost of private parties should not ordinarily be made by the regular establishment, but by duly qualified copyists entertained either as full time or piece-workers. In places where there is not sufficient work for a full-time copyist and piece-workers are not available, members of the regular establishment may be permitted with the sanction of the Collector to do copying work and receive fees therefor,

Copies should be examined by the ordinary establishment or by special examiners entertained either on a fixed monthly pay or on piece-work basis. In offices where there are no special examiners, copies must be examined by the ordinary establishment without remuneration. Copyists and special examiners should be appointed to each office in which the receipts are sufficient to cover their pay and should, if possible, possess examination qualifications necessary for entertainment in superior Government service. Collectors should satisfy themselves as to the competence of examiners. Copyists and examiners are not entitled to leave allowances or pension and have no claim to retention in service if the arrangement at any time ceases to be self-supporting.

15. *Remuneration of Copyists and Examiners.*—Collectors are authorized to entertain copyists and examiners on a fixed monthly salary and to allow them to retain as bonus any fees realized from the use of copy stamped papers in excess of a certain mimimum to be prescribed by them. The selection of offices where the system is to be worked, the number of copyists and examiners to be employed and the amount of pay and bonus to be granted are left to the discretion of Collectors, subject to a minimum pay of Rs. 18 per mensem in the case of an examiner entertained on fixed salary. It is also open to Collectors to group together two or more offices in the same building or locality so that a single copyist and examiner or a single set of copyists and examiners may serve the whole group. It should however be noted that in no district is this system to be worked at a loss to Government and that a statement showing the financial results of its working in the various offices of each district should be submitted for the financial year in the form given in Appendix III so as to reach the Board not later than the 31st of May. Where the work done by the copyist and examiner is such as to render necessary the levy of fees in cash, the fees should be credited to Government under "VII. Land Revenue", but there is no objection to such cash receipts being taken into account in regulating the grant of bonus to the copyist and examiner on fixed monthly salary. In the case of offices or groups of offices where there is no scope for the appointment of an examiner on fixed pay, Collectors are empowered to appoint piece-worker examiners subject to the conditions that (1) no piece-worker examiner should be appointed for an office or a group of offices if his earnings are not likely to exceed Rs. 5 per mensem and (2) that only persons of good character, preferably Government pensioners or clerks waiting for a vacancy should be appointed. Except in the case of copyists and examiners entertained on a fixed monthly pay, the remuneration should be regulated as follows. At the end of every month the number of stamp papers used by each copyist and examined by each examiner should be calculated from the register maintained in the office under paragraph 10 above and the copyist and the examiner should be paid from the Government treasury the value of the copy stamp papers used as shown below :—

(1) *First (embossed) page.*—When the first embossed page of the copy stamp paper is written, the copyist should be paid 16 naye paise and the examiner should be paid 4 naye Paise,

(2) *Reverse side.*—When the number of words written on the reverse side does not exceed 175, the copyist and the examiner should be paid in the manner indicated in (1) above. When the number of words written on the reverse side exceeds 175, the increase in copying fee of 13 naye Paise in respect of that page of the copy stamp paper should be shared between the copyist and the examiner in the Revenue department proportionately in the ratio of 4 : 1. When copying fees are paid in cash under clauses (ii) and (iv) of paragraph 11 above, the fees should be disbursed at the rate of 16 naye Paise to the copyist and 4 naye Paise to the examiner for every 175 words or fraction thereof. The special fee leviable under clause (iii) of the same paragraph should be paid in full to the copyist or other person employed. The signature of the copyist should be taken in the register in acknowledgment of the receipt of the fees in cash. The register should be scrutinized weekly by the controlling officer.

G.O. Ms. 2740, Rev., d. 20-10-51. B.P. Press 40, d. 2-11-51.
G.O.Ms. 286, Rev., d. 21-1-57.

Notes (1).—The remuneration to be paid to the copyist and examiner in the Revenue department should be rounded off to the nearest naya paisa.

G.O. Ms. 286, Rev., d. 21-1-57.

(2).—The remuneration to the copyist establishment in the Judicial Department will continue to be regulated by the rules in force in that department.

G.O. Ms. 1193, Rev., d. 23-6-45. B.P. Press 19, d. 7-7-45.

(3).—Copyists and examiners should be required to do their work in the office and should be strictly prohibited from removing any records therefrom. They will not be allowed to hold any communication whatsoever with parties applying for copies.

G.O. Ms. 2059, Rev., d. 28-5-56.

16. *Appointment and removal of copyists and examiners.*—The power to appoint and remove copyists and examiners in the Collector's office other than those in receipt of a fixed pay is vested in the Deputy Collector in charge of the Treasury and elsewhere in the head of the office, subject in all cases to the control of the Collector. Copyists and examiners in the Collector's office who are in receipt of fixed pay should be appointed and removed by the Collector and elsewhere by the Revenue Divisional Officer subject to the control of the Collector.

G.O. Ms. 1086, Rev., d. 15-5-36. B.P. Press 61, d. 25-5-36.

17. *Punishment for careless and inaccurate copying.*—A copyist who has been guilty of negligence in making inaccurate copies should be punished by being required either to re-place the stamp papers spoiled by him, or to bear the charge of getting fresh copies prepared by another copyist.

B.P. 2299, d. 16-4-64. B.P. 592, d. 13-10-93.

18. *Disposal of copy applications and authentication of copies.*—[b]In the Collector's office, the whole process connected with the disposal of copy applications should be under the control of the Treasury Deputy Collector who should be given extra assistance for doing the work, if necessary. The Treasury Deputy Collector will attest copies and will be held responsible for their accuracy and legibility and for their being speedily furnished[b],

The duties and responsibilities here assigned to the Treasury Deputy Collector will devolve on the head clerk in divisional offices ; on the head accountant in taluk offices ; and[a] on karnams in regard to village accounts[a].

B.P. 2229, d. 16-4-64.
B.P. 101, d. 7-3-93.
B.P. 187, d. 17-4-93.
G.O. 2554, Rev., d. 24-8-12.
B.P. 651, d. 31-3-87.
B.P. 592, d. 13-10-93.
[a]B.P. 223, d. 31-5-94.
[b]G.O. 3073, Rev., d. 22-10-13.

Note.—In districts in which there are Personal Assistant Deputy Collectors, Collectors may, at their discretion, transfer to them the duties assigned in this paragraph to Treasury Deputy Collectors, together with the powers of appointment and removal given by paragraph 15.

B.P. 304, d. 11-10-15.

19. *Disposal of unused copy-stamped papers.*—(i) Where parties supply only the prescribed number of copy-stamped papers and where some of the papers remain unused owing to the copyists writing too closely—a practice which should not be allowed—or for other reasons, the excess sheets should be sent by heads of offices to the local or nearest sub-treasury officer.

Note.—Excess sheets in the offices of the Treasury Deputy Collector and the Collector may be retained by the Treasury Deputy Collector and dealt with in accordance with clause (iv) below.

(ii) In cases (*a*) where an insufficient number of stamps is filed and the parties fail to furnish the additional number of stamps required within a given period after due notice and (*b*) where stamps are filed for copies of records which are not available in the office or copies of which are refused, the stamp papers should be sent to the parties by post in official covers superscribed " copy stamp papers—service unpaid". If the covers are returned undelivered for any reason, the postage should be paid out of the office contingencies. The covers and copy stamp papers should be retained for two weeks so that if the addressees appear and apply for the papers in person, they may be handed over to them after recovering the cost of the postage paid from contingencies. If they do not so appear, the copy stamp papers should be sent to the local or nearest sub-treasury officer.

G.O. Ms. 1980, Rev., d. 19-8-40. B.P. Press 114, d. 4-11-40.

(iii) The sub-treasury officer on receipt of the stamps should immediately seal them with the office date seal over the endorsement on the back of the papers and should see that they are kept in proper custody. All stamps so sealed will be treated as cancelled.

(iv) Sub-treasury officers should transmit the stamps periodically to the Treasury Deputy Collector, who will sort them out adding to his stock, those of the surplus stock of court copy stamps that are fit for re-issue and destroying under the Collector's orders those that are not fit for re-issue. On those which the Treasury Deputy Collector decides to re-issue, he should affix his signature and designation below the cancelled endorsement.

(v) The unused copy-stamped papers collected from day to day in a treasury and in the subordinate revenue offices should be accounted for in subsidiary registers in accordance with the rules contained in Appendix IV.

(vi) The Treasury Deputy Collector should periodically destroy unused copy-stamped papers which are unfit for re-issue after obtaining the Collector's orders therefor.

G.O. 242, Rev., d. 2-2-31. B.P. 18, d. 27-2-31.
G.O. Ms. 2059, Rev., d. 28-5-56.

Note.—In the case of the Madras Taluk Office, the following special procedure should be followed:—"When unused copy stamp papers are received, they must be sealed with the sub-treasury date seal. Each day's receipt as entered in the subsidiary register B should be initialled by the Head Accountant and the total value of the stamps received and remaining on each day with the Head Accountant should be shown as a separate item in the balance sheet under head 'Add stamps in the sole custody of the Head Accountant.' Twice a month, the Assistant Tahsildar should check the stock along with the single-lock stock. Invariably at the end of each month, the stamps fit for re-issue should be transferred to double lock and those not fit for re-issue, destroyed under the sanction of the Collector of Madras. The destruction of stamps sanctioned by the Collector should be carried out in his presence or in the presence of the Tahsildar, if so ordered by the Collector and a certificate to that effect should be written by the officer concerned in the special register prescribed for it. It is unnecessary to affix any signature and date at the time the stamps are re-issued as in Madras City the rule requiring the endorsement at the time of sale does not obtain."

B.P.Mis. 2779, d. 12-10-33. Govt. Memo. 2948-D-33-2, d. 20-9-33.
B.P. Mis. 1557, d. 7-5-36.

20. *Grant of printed copies.*—When the copies applied for are available in print, they may be supplied on payment of the charge usually levied by the Government Press for private work. The prices at which village maps should be sold to the public are fixed by the Survey Department.

B.P. 506, d. 1-9-93. B.P. 592, d. 13-10-93.

SECTION III.—MISCELLANEOUS.

21. *Copies of depositions in revenue suits.*—Copies of depositions in revenue suits may be given by the court having cognizance thereof. These are, strictly speaking, no revenue papers, but papers of a judicial character.

B.P. 1530, d. 8-8-72. B.P. 592, d. 13-10-93.

22. *Copies of certain land records and title-deeds.*—The rules framed under section 91 of the Indian Registration Act, XVI of 1908, regarding the inspection and grant of copies of the documents specified in section 90 of the said Act are given in Appendix V.

G.O. Ms. 2059, Rev., d. 28-5-56.

Note.—The documents referred to in this order are—

(*a*) Documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(*b*) Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land and which form part of the records of such survey.

(*c*) Documents which, under any law for the time being in force, are filed periodically in any revenue office by officers charged with the preparation of village records.

(*d*) Sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

B.P. 506, d. 1-9-93. B.P. 592, d. 13-10-93.

23. *Copies of records of village munsifs.*—Application for copies of records of a village munsif which have not been transferred to the custody of the District Munsif shall be made to the village munsif. The village munsif shall follow the procedure indicated below for granting copies—

(i) copies of the records required shall be made by the karnam and signed by the village munsif,

(ii) the copies shall be stamped with the seal of the village munsif, if any,

(iii) copies should be made on plain white paper to be supplied by the applicants,

(iv) A fee of 25 naye Paise for every 175 words or part thereof to be copied should be collected from the applicants and paid to the karnam as copying fee, and

(v) copies may be delivered to the applicants in person if they so desire ; or if the applicants require that they should be sent by registered or ordinary post. Cost of postage required should be collected in advance. Applications for grant of copies of the records of the village munsif which have been transferred to the District Munsif's court should be made direct to the District Munsif concerned. The District Munsif shall have the copies made by his establishment and deliver them in person or send them by ordinary or registered post at the cost of the applicants according to their wishes. Applications for copies of records transferred to the District Munsif, received by the village munsif shall be returned by him to the applicants directing them to apply to the district munsif direct.

B.P. Press. 3A, d. 23-2-1957.

24. *Copies of records of village magistrates.*—(a) Applications for copies of records of a village magistrate, which have not been transferred to the sub-magistrate shall be made to the village magistrate. The village magistrate shall follow the procedure indicated below in granting copies —

(i) copies of the records required shall be made by the karnam and signed by the village magistrate,

(ii) the copies shall be stamped with the seal of the village magistrate, if any,

(iii) copies shall be made on plain white paper to be supplied by the applicants,

(iv) a fee of 25 naye Paise for 175 words or part thereof to be copied should be collected from the applicants and paid to the karnam as copying fee, and

(v) copies shall be delivered to the applicants in person if they desire, or if the applicants require that they should be sent by ordinary or registered post, the cost of postage should by collected in advance.

Applications for grant of copies of records of a village magistrate which have been transferred to the custody of the sub-magistrate shall be made direct to the sub-magistrate concerned. The sub-magistrate

shall have the copies made by his establishment and deliver them in person or send them by ordinary or registered post at the cost of the applicants, according to their wishes. Applications for copies of records transferred to the sub-magistrates, received by the village magistrate should be returned to the applicants directing them to apply to the sub-magistrate concerned.

B.P. Press, 3A, d. 23-2-57.

24-A. A copy application register in the form prescribed in Appendix V-A shall be maintained in the village courts. Applications for copies of records which have not been transferred to the district munsif or sub-magistrate as the case may be should be entered in the register.

B.P. Press, 3A, d. 23-2-57.

25. *Copies of records relating to Wards' Estates.*—Proprietors of estates which have been under the management of the Court of Wards are entitled to receive, at the time when the estates are handed over to them, [a] copies of all papers relating to them and received or issued while the estates were under management, [a]which are not of a confidential nature and which it is proposed to retain permanently [b] or to destroy after ten years.[b] Such copies may be made by the proprietors' own clerks, but they should not be permitted to take the papers out of the office. If the proprietors wish to have authenticated copies, they should be required to pay the cost of having the copies examined by the Collector's establishment. The task of separating the confidential from other papers must be entrusted to a responsible subordinate in the Collector's office, his place being supplied by a temporary clerk to be paid for by the proprietor concerned.

[b] C.P. 14, d. 24-4-18.

C.P. 594, d. 6-3-90. [a] G.O. 2741, d. 19-8-10.

Notes.—(1) If the proprietor wishes to have originals or copies of any documents other than those that may be made over to him, or of which copies may be given to him under the above general rules, the question should be submitted to the Court of Wards for orders.

(2) For rules regarding the return of records relating to Wards' Estates which are intended for destruction *see* in the District Office Manual.

See S.O. 151 of the Court of Wards Manual.

26. *Grant of copies of orders or records by one department of Government to another.*—When one department of Government applies to another for copies of orders or records, the copies should be made on plain unstamped paper and by the ordinary staff. In the case, however of lengthy judgments, lengthy depositions or other lengthy papers judicially recorded, the copies need not be made by the ordinary staff and should be made on copy-stamped papers which will be supplied by the department requiring them.

G.O. 1137, Home (Mis.), d. 2-11-17. B.P. Mis. 28, d. 7-1-18.

Where, however, copies of or extracts from the records, registers, reports or other documents including records of Judicial nature which are in the custody of the Revenue department are required by the Hindu Religious and Charitable Endowments (Administration) Department, they should be furnished on plain unstamped paper by the ordinary staff of the Revenue department.

G.O. Ms. 415, Rev., d. 23-2-54, B.P. Press 9, d. 19-3-54.

PART II.—MISCELLANEOUS.

174. Production of documents in civil courts—*Duties of courts calling for records.*—The rules issued by the High Court for the guidance of civil courts subordinate to it, in regard to the production of public documents required by them are given in Appendix VI. Briefly they are these :—

(1) When a civil court determines to send for any records from a public office subordinate to a Collector it shall issue a summons to the Collector himself in Form B given in Appendix VII. When, however, the summons is for the production of village accounts, including field measurement books, such summons shall be addressed to the tahsildar or to the deputy tahsildar in independent charge as the case may be ;

(2) Unless the court requires the production of the original, every such summons to a public officer shall state that he is at liberty to produce instead of the original a copy certified in the manner prescribed by section 76 of the Evidence Act ;

(3) Petitions made by parties for the issue of summons for the production of original documents should not be complied with unless the court considers that the original is necessary or is satisfied that an application was duly made to the proper officers for a certified copy and that it was not granted ; and

(4) On production of the document, the court shall, unless it considers it necessary to retain the original, have a copy made at the expense of the party requiring it, retain the copy as part of the record in the suit and return the original with all convenient speed to the officer from whom it was received without any application for its return under rule 7 (2) or 9 of Order XIII of the Civil Procedure Code.

B.P. Mis. 1931, d. 25-8-26. G.O. Ms. 2059, Rev., d. 28-5-56.

2. *Duties of revenue officers summoned by courts.*—(i) A revenue officer summoned by a court to produce a document is bound either to attend in court with the document, if it be in his possession, or to cause it to be produced.

B.P. 2628, d. 5-11-81.

(ii) When the Collector is directed by a court to grant to any party a copy of a document, he should if he considers the grant objectionable, depute a proper officer to attend the court with the document. The officer thus deputed should state the Collector's reasons for objecting to grant a copy thereof ; and it will then be for the judge to determine whether a copy should or should not be furnished.

B.P. 2299, d. 16-4-64. B.P. 592, d. 13-10-93.

3. *Travelling allowance to officers deputed to produce documents.*—The travelling allowance to officers deputed to produce documents called for by a court shall be regulated by rules 96 and 97 of the Madras Travelling Allowance Rules. Such persons should be considered to be giving evidence as to facts which came to their knowledge in the discharge of their public duties.

G.O. Mis. 1191, Rev., d. 26-6-30. B.P. 47, d. 2-7-30.
G.O. Ms. 2059, Rev., d. 28-5-56.

4. *Production of original records.*—[a]The inconvenience of having to produce original records must be submitted to by all litigants and witnesses called upon to produce them.[a] [b]The inexpediency and inconvenience of compelling indiscriminately the production of original official documents have, however, been fully recognized by law and by the courts. Section 65 of the Evidence Act and rule 51 of the Civil Rules of Practice issued by the High Court are intended to prevent public officers being called upon as witnesses to produce such documents except under special circumstances. But neither section 65 of the Evidence Act, nor the Rules of Practice referred to above, will enable a Collector as the representative of the Government, when he is a party to a suit, to oppose an application for the production of documents required for inspection under the provisions of the Civil Procedure Code.[b] [a]Sections 76 and 77 of the Indian Evidence Act provide for the production of certified copies of public documents, and [c]Order No. 13, Rule 9 of the Code of Civil Procedure, 1908[c] provides for the return of original documents upon certified copies being substituted.[a]

[a]B.P. 693, d. 2-11-87. [b]B.P. 495, dated 29-8-93.
[c]G.O. 2779, d. 8-10-09. [e]B.P. Mis. 2912, d. 15-9-09.
G.O. Ms. 2059, Rev., d. 28-5-56.

5. *Documents relating to affairs of State.*—[d]Under section 123 of the Indian Evidence Act, no one is permitted to give any evidence derived from unpublished official records relating to affairs of State, except with the permission of the head of the department concerned, who is entitled to give or withhold such permission as he thinks fit[d]. If the Collector feels any doubt as to whether a particular document falls under section 123 of the Indian Evidence Act or not, he should refer the matter for the orders of the Board of Revenue when the document relates to a department under its control. [e]The head of the department concerned must decide whether any unpublished official records called for relate to affairs of State, or whether the public interest and safety would suffer by their production. No general rules can be laid down in the matter, but each application should be decided on its merits[e]. The instructions issued by the Government of India on the subject are given in Appendix VIII.

[d]B.P. 2628, d. 5-11-81. [e]B.P. 693, d. 2-11-87.
B.P. 13, Press, d. 7-2-36. G.O. Ms. 2027, Pub. (Ser.), d. 27-11-35.
G.O. Ms. 2059, Rev., d. 28-5-56.

Note.—Affairs of State are matters the disclosure of which would be prejudicial to the public interest, matters which concern the administration either of penal justice or of Government. To secure public safety is the object of the exclusion of evidence as to such matters; and the rule of exclusion is applied no further than the attainment of that object requires. (Taylor on Evidence, section 939.)

B.P. 693, d. 2-11-87.

6. *Return of documents filed by officers of Government in civil courts.*—[a]When departmental officers produce in civil courts public documents which either belong to their own offices or have been received in their office from another Government office, it will be their duty[a] to take the necessary steps for their due return. In suits to which Government are a party, the Local Government Pleader or the pleader engaged in the case should be

instructed to apply for the return of such documents as soon as the judgment is delivered, except in cases where an appeal is admissible, when the application should be deferred until appeal time expires, or the appeal has been disposed of. To ensure that the matter is not lost sight of, the suits clerk should close his current after all action except watching for the return of documents is completed and hand over the file to the record-keeper. The record-keeper should start a new case in his personal register and note the new case number against the current in the personal register of the suits clerk in the remarks column and affix his initials in token of receipt of the file. This new case number should be kept open till all the documents are returned except when it is transferred to the call book. When it is transferred to the call book it should thereafter be dealt with in accordance with the instructions in paragraph 69 of the District Office Manual. Documents produced in Courts under Order No. 13, Rule 10 and Order No. 16, Rule 5, of the Code of Civil Procedure, 1908, should be dealt with in the same manner although the return of the documents is sufficiently guaranteed by the High Court circular referred to in paragraph 1 supra.

G.O. Ms. 396, Rev., d. 21-2-41. B.P. 31, Press, d. 12-3-41.

Note.—The High Court has ruled that public documents produced in courts by Government officials or sent for under [b] Order No.13, Rule 10 of the Civil Procedure Code, 1908, [b] should in no case be destroyed, but should, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

B.P. 250, d. 16-10-01. [a]B.P. 111, d. 17-5-02.
B.P. 62, d. 19-3-02. [b]G.O. 2779, d. 8-10-09.
[b]B.P. Mis. 2912, d. 15-9-09.

175. Government Servants as witnesses—*General.*—Government servants may be summoned as witnesses by the Law Courts in any matter without reference to their official superiors. Precautions should, however, be taken to prevent servants from causing themselves to be cited as witnesses to suit their own convenience.

B.P., d. 7-1-57 (M., Vol. III, p. 1 of 1857). B.P. 4538, d. 5-10-60.
B.P., d. 11-10-59 (M., Vol. III, p. 237 of 1859).

2. *Pay of officers summoned.*—Government servants summoned as witnesses by Law Courts should be considered as absent on duty, and should not be put under stoppages. The other servants in the office must carry on their duties without extra remuneration during such short periods of absence.

G.O. 911, d. 2-6-60. B.P. 4538, d. 5-10-60.

3. *Revenue summons to officials of other departments.*—When it is found necessary by revenue officials to require, under Madras Act II of 1869, the attendance of any Government official not employed in the Revenue Department, due and sufficient notice should be given to the head of the division, office or range to whom he is subordinate. The time at which the witness is summoned to appear must in this case be within office hours.

B.P. 6075, d. 16-8-69.

176 to 180—*Deleted.*

G.O. Ms. 2059, Rev. d. 28-5-56.
B.P. Mis. 1348, d. 28-9-56.

APPENDICES TO CHAPTER XIV.

APPENDIX I.

[Standing Order No. 173, paragraph 1.]

Form of application for search of public records.

To

25 naye Paise court fee stamp.

Name and address of applicant in full.	Description of record as far as possible.	Purpose for which inspection or copy is required.	Date, etc., of court diary, or other authority, if any, under which application is made.

Date (*Signature of applicant.*)

B.P. 592, d. 13-10-93.
G.O. Ms. 2059, Rev., d. 28-5- 1956.
G.O. Ms. 286, Rev., d. 21-1- 1957.

APPENDIX II.

[Standing Order No. 173, paragraph 10.]

Register showing the receipt and disposal of applications for copies in the office at

Petition number.	Date of receipt.	Name and address of the applicant.	Description of record copy of which is required.	Number and value of court-fee stamps affixed to the application for search for the records.	Orders of the head of the office as to whether copy may be granted or not, with date of order.	Total number of words to be copied.	Total number of stamped papers with reference to the instructions in Board's Standing Order No. 173, paragraph 11 (1) or the amount of fees payable in cash.	Date on which the information of the (a) Number of stamped papers required, or (b) the fee to be paid or (c) the search fee required, was given to the applicant.	(a) Number of stamped papers or (b) amount of cash, with the initials of the head ministerial officer and date.	Name of copyist to whom they were handed over for copying and his initials in token of receipt.	When copy was ready.	Name of examiner and the date on which the copy was examined, with his initials.	When copy delivered or sent by post.	Signature of applicant when delivered in person.	Signatures of the copyist and examiner in token of having received the fee paid in cash.	Number of stamped papers copied and compared and number returned unused with initials of the head ministerial officer and date in each case.	Remarks. (Here enter the month in which each item is billed for, with initials of the head ministerial officer and date.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

Note.—The entries in columns (7), (8), (10) and (17) should be made in figures as well as in words.

G.O. 367, dated 31-3-04.
G.O. Ms. 311, Rev., dated 16-2-33.
G.O. Ms. 645, Rev., dated 11-3-39.
G.O. Ms. 1193, Rev., dated 23-6-45.
G.O. Ms. 2059, Rev., dated 28-5-56.

B.P. 03, dated 30-5-04.
B.P. 13, dated 25-2-33.
B.P. Press, 114, dated 4-11-40.
B.P. Press, 19, dated 7-7-45.

APPENDIX III.

[Standing Order No. 173, paragraph 15.]

Statement showing the financial results of the working of the establishment of copyists and examiners in the various offices of the District of *for the year* 19 –19 .

Serial number.	Names of offices.	Number of copyists[a] or examiners.[a]	Rate of pay.	Receipts.			Charges.			Net gain or loss to Government [difference between columns (7) and (10).]	Remarks.
				Remuneration calculated in accordance with the scale prescribed in paragraph 15 of Boards' Standing Order No. 173.	Fees earned on common paper.	Total.	Salary paid.	Bonus allowed.	Total.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

[a] *Note.*—The entries relating to the copyists and examiners should be in separate sections [a].

B.P. 98, d. 2-5-02.
[a] B.P. 245, d. 3-9-06.
G.O. Ms 1193, Rev., d. 23-6-45.
G.O. Ms. 2059, Rev., d. 28-5-56.
[a] G.O. 745, d. 2-8-06.
B.P. 19, Press, 7-7-45.

APPENDIX IV.

[Standing Order No. 173, paragraph 19 (v).]

Rules for the maintenance of a subsidiary register relating to the receipt and disposal of unused copy stamped papers.

These rules shall apply to all district treasuries and sub-treasuries.

2. Every office dealing with the preparation of public copies on copy stamped papers should maintain a subsidiary register showing transfers of unclaimed, unused copy stamped papers from the copy application register. As each application is disposed of by an order of forfeiture of stamped papers, the particulars of the unused stamped papers so forfeited should be posted in the subsidary register "A".

3. Unused copy stamped papers not claimed by parties either in a taluk office or received in a sub-treasury from another office shall be entered in the subsidiary register and kept separately in the single lock receptacle under the custody of the sub-treasury officer who will be responsible for the balance of stock in this register.

4. The sub-treasury officer shall take these stamps to stock once in a month, i.e., on the date of closing of the sub-treasury for the month and send them on to the treasury deputy collector immediately afterwards so that they may reach him before the last day of the month. For the month of March, however, the stamps may be sent along with the sub-treasury account for that month.

5. The unused court copy stamps received in the Huzur Treasury should be entered in the subsidiary register " B " under the initials of the treasurer and treasury deputy collector and kept under the custody of the treasurer in the single lock.

6. The total value of the stamps received each day should be entered in the treasurer's "Daily balance sheet " and included in the figure against column " Add stamps in sole custody of the Treasurer " to see that the total amount held by the treasurer does not exceed his security.

7. The treasury officer should verify the balance in the subsidiary register along with the single lock twice a month as laid down in Standing Order, No. 48—Stamp Manual.

8. At the end of every month or whenever the stock of stamps, etc., in single lock is likely to exceed the Treasurer's security, the unused papers received should be entered in the double lock register and transferred to double locks where they will remain until they are disposed of by way of re-issue or otherwise according to rules. The re-issue will be controlled by the existing rules for issues.

G.O. Ms. 1181, Rev., d 8-6-32. B P. Press, 28, d. 17-6-32.
B.P. Press, 114, d. 4-11-40.

ANNEXURE.

Appx IV.

Subsidiary Register "A" to be maintained in subordinate revenue and magisterial offices and sub-treasuries.

Serial number.	Copy of application number.	Date of receipt.	Number of unused copy stamped papers received.	From whom received.	Date of despatch to District Treasury / Sub-Treasury.	Initials of Treasury Officer / Head of office.	Remarks.

"I certify that I have to-day despatched (Nos.) of unused copy stamped papers to the Treasury Officer / Treasury Deputy Collector.

A.B.

Officer.

Subsidiary Register "B" to be maintained in District treasuries.

Serial number.	Date of receipt.	Name of office from which received	Stamps received.		Fit for reissue.		Unfit for reissue.		Date of transfer of fit, unused copy stamps to double lock.	Date of destruction of unfit unused copy stamps.	Initials of Treasurer.	Initials of Treasury Deputy Collector.	Remarks.
			Number.	Value.	Number.	Value.	Number.	Value.					
(1)	(2)	(3)	(4)		(5)		(6)		(7)	(8)	(9)	(10)	(11)

G.O. Mis. 242, Rev., d. 2-2-31. B.P. 18, d. 28-2-31.

CONNEMARA PUBLIC LIBRARY
28 JUL 1958
MADRAS

APPENDIX V.

[Standing Order No. 173, paragraph 22.]

Draft rules under section 91 *of the Registration Act.*

The following rules prescribed under section 91 of the Indian Registration Act, 1877* by His Excellency the Governor in Council for regulating inspection and grant of copies of the documents and maps specified in section 90 of the Act are published † for general information :—

1. Every person desiring to inspect one or more documents or registers falling within any of the classes specified in section 90 of the Registration Act or portions thereof or to obtain copies of or extracts from such documents, shall submit an application (giving his full name and address and as accurate a description of the record as possible) to the head of the office in which he believes the record to be. Provided that applications for copies of records in the custody of village officials may be made to the tahsildar of the taluk in the first instance.

2. A search fee according to the subjoined scale shall be deposited by the applicant with the head ministerial officer as soon as such application has been admitted :—

	RS.	NP.
(A) When the document referred to in such application belongs to any year prior to the calendar year but is not more than ten year old—		
(*a*) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for, then for that document or entry	1	00
(*b*) Fee payable for every document or entry *other than the first* included in the same application and connected with the same subject	0	50
(*c*) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	0	50
(B) When the document referred to in such application is more than ten years old but does not relate to any year prior to 1858—		
(*a*) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for, then for that document or entry	2	00
(*b*) Fee payable for every document or entry *other than the first* included in the same application and connected with the same subject	1	00

* Now Act XVI of 1908.
† Vide pages 1005 and 1006 of Part I of the *Fort St. George Gazette* for 1893.

Appx. V.

	RS.	NP.
(c) When the party does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	1	00
(C) When the document referred to in such application belongs to a year prior to 1858—		
(a) Fee payable for the *first* document or entry applied for or if only one document or entry is applied for, then for that document or entry	5	00
(b) Fee payable for every document or entry *other than the first* included in the same application and connected with the same subject	2	50
(c) When the party does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	2	50

G.O. Ms. 2643, Rev., d. 20-12-37. B.P. Press 8, d. 25-1-38.

3. If the search should prove fruitless, the fee paid will not be refunded, but the applicant can, on application, receive a certificate stating that the document or entry sought has not been found on record.

4. When the document or register referred to in the application has been found, the fee paid for search of the same will entitle the applicant to read the document or register or the portions of the document or register specified by him or to have the same read to him, but it shall not entitle him to take a copy of the document or register or of any part of the document or register or to make extracts therefrom.

5. In cases where the applicant asks for the grant of copies of, or of extracts from, documents or registers, the number of copy stamped papers required for the preparation of copies or the fees payable in cash, in cases in which copies or extracts cannot be made on such papers, shall be calculated according to the following scale :—

(1) Where the documents are such as can be copied on copy stamp papers, both sides of the copy stamp paper should be used for writing whether in English or in an Indian language. A maximum of 175 words should be written on the first (embossed) page of the copy stamp paper. The copying fee for this page will be 32 naye paise. By suitable ruling, a maximum of thirty lines containing a maximum of 240 words at the rate of eight words for each line should be written on the reverse of the copy stamp paper. The copying fee to be charged for the reverse side will be as follows :—

When the number of words written does not exceed 175.	32 naye paise.
When the number of words written exceeds 175 ..	44 naye paise.

When the reverse of the copy stamp paper is written on adhesive court-fee labels of the value of 32 naye paise or 44 naye paise as the case may be, should be affixed at the top right hand corner of that side, and space should be left at the top left hand corner for the endorsement of the copyist. Appx V.

For the facility of calculation, five figures will be taken as constituting a word and 35 figures as constituting a line.

In times of acute shortage of copy stamp papers, the public will be allowed to use plain white paper affixed with proper court-fee labels for taking copies from Revenue and Judicial Courts and also public offices subject to the following conditions :—

(*a*) The white paper to be used should be of durable quality and of foolscap size ;

(*b*) the required quantity of white paper as well as requisite court-fee label should be furnished by the parties themselves ;

(*c*) both sides of the white paper should be used for transcribing copies ; and

(*d*) the number of words that can be transcribed on either page and the value of court-fee labels to be affixed to the white paper will be the same as in the case of copy stamp papers.

G.O. Ms. 2740, Rev., d. 20-10-51. B.P. 40, Press, d. 2-11-51.

(2) In the case of inam statements or extracts from survey or other registers which are too large to be copied on two connected sheets of copy-stamped papers 32 naye paise for every 175 words or fraction thereof.

G.O. Ms. 2740, Rev., d. 20-10-51. B.P. 40, Press, d. 2-11-51.

(3) In the case of maps or plans—a reasonable fee in cash to be specially fixed by the head of the office.

Note.—In the third class of cases the copyists or other persons employed for making copies should provide themselves with suitable tracing cloth and materials at their own cost.

6. Intimation of the number of sheets or the fees in cash so calculated shall then be given to the applicant by post *bearing* if he does not appear in person, and on receipt of the required sheets or fees in cash, the head ministerial officer will have the copies, extracts or tracings prepared by copyist or professional draftsmen and examined by members of the permanent establishment of the office. The copies shall then be certified as true under the signature of the head of the office, and shall be forwarded without delay by post *bearing* by the head ministerial officer to the address of the applicant unless the latter personally appears to receive them, in which case they shall be delivered to him in person and his signature obtained in token of delivery.

7. In case any person desires to have any copies of, or extracts from, any of the documents or registers above mentioned in print, printed copies will be supplied to him on payment of the charge usually levied by the district press for private work ; printed village maps, however, if applied for, and available, may be furnished to the parties out of the copies supplied to the Collectors by the survey department at the prices fixed.

8. Every person paying or depositing copy-stamped papers or fees in cash under these rules, should be given a receipt for the same signed by the head ministerial officer of the office in which the payment or deposit is made.

Appx. V. 9. Subject to any general instructions which the Government (or, in the case of revenue officers subordinate to it, the Board of Revenue) may from time to time issue, it shall be within the discretion of an officer to whom applications for inspection or grant of copies of a document is made under rule 1 above to refuse compliance therewith. Provided that in such case an appeal shall lie to the authority to which such officer is immediately subordinate.

B.P. 591, d. 3-10-93.

G.O. Ms. 2059, Rev., d. 28-5-56.

G.O. Ms. 4183, Rev., d. 14-11-56. Govt. Memo. 2879 G/57-3, Rev., d. 20-3-57.

APPENDIX V-A.

[Standing Order No. 173, paragraph 24-A.]

Register showing the receipt and disposal of applications for copies in the Village Court Village Taluk ***District.***

Serial number. (1)	Date of receipt. (2)	Name and address of the applicant. (3)	Description of the record of which copy is required. (4)	Total number of words to be copied. (5)	Amount of copying fee collected. (6)	When handed over to the karnam with his initial in token of receipt. (7)

When copy was prepared. (8)	When copy was delivered or sent by post. (9)	Signature of the applicant when delivered in person. (10)	Signature of the karnam in token of having received the copying fee. (11)

B.P. Press 3-A, d 23-2-57.

APPENDIX VI.

[Standing Order No. 174, paragraph 1.]

Rules issued by the High Court of Judicature, Madras, for the guidance of the civil courts subordinate to it in respect of records sent for from courts and documents produced from public offices under the provisions of the Code of Civil Procedure.

Production of records in the custody of a Court.

I. (1) An application for the production of records in the custody of a court shall specify the particular documents required to be produced. Unless it is made to appear to the court that the production of the original documents is necessary, the party shall be required to obtain and file copies thereof and the original shall not be sent for. If the court dispenses with the affidavit mentioned in Order XIII, rule 10 (2) of the Code of Civil Procedure, it shall record in writing the reasons for so doing.

(2) When a court finds it necessary to require the production of the records of another court, it shall address a letter of request as in Form A in Appendix VII to the presiding judge of that court.

(3) Where the document to be sent for by a court either from its own records or from those of another court under Order XIII, rule 10, is an account book or other document, not being a record (e.g., judgment, decree, written statement, etc.), which has to be in the custody of a court and belongs to a person other than a party at whose instance it is sent for, the court may require the party to deposit in court before the letter of request is issued such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.

(4) When the letter of request is to be issued by the court itself acting of its own motion, it shall be open to the court to call upon either party to make the deposit as aforesaid.

(5) On the production of the document in compliance with the letter of request, the court shall cause a notice to be affixed to the notice board that the document has been received and that the parties may apply to the court for the inspection of the same. The court shall not grant inspection to either party unless it is satisfied that the application is made with the consent of the person to whom the document belongs. After the document has been admitted in evidence, the court shall, unless it considers it necessary to retain the original, direct the parties to specify the portion or portions thereof on which they respectively rely, and require a copy to be made of the same at the expense of the party requiring such portion, and shall thereafter, with all convenient speed, return the original to the court from which it was received, retaining the copies as part of the record.

Production of records in the custody of a public officer other than a Court.

II. (1) A summons for the production of records in the custody of a public officer other than a court shall be in Form B in Appendix VII and shall be addressed to the head of the department concerned and in the case of a summons to a District Registrar or a Sub-Registrar of Assurances, it shall be addressed to the Registrar or Sub-Registrar in whose office or sub-office, as the case may be, the required records are kept. A summons for the production of revenue papers kept in any office in a district shall in all cases be directed to the Collector of the district :

Appx. VI. Provided that, where the summons is for the production of village accounts, including field measurement books, such summons shall be addressed to the tahsildar or to the deputy tahsildar in independent charge as the case may be.

(2) Every application for such summons shall be made by a verified petition setting out (i) the document or documents, the production of which is required, (ii) the relevancy of the document or documents, and (iii) in cases where the production of a certified copy would answer the purpose, whether application was made to the proper officer for a certified copy or copies and the result of such application.

(3) No court shall issue such a summons unless it considers the production of the original necessary or is satisfied that the application for a certified copy has been duly made and has not been granted. The court shall, in every case, record its reason in writing and shall require the applicant to deposit in court, before the summons is issued, to abide the order of the court, such sum as it may consider necessary to meet the estimated cost of making a copy of the document when produced.

(4) On production of the document in obedience to the summons the court, unless it thinks it necessary to retain the original, shall direct a copy to be made at the expense of the applicant and shall, with all convenient speed, return the original, retaining the copy.

(5) Unless the court requires the production of the original, every such summons to a public officer shall state that he is at liberty to produce instead of the original a copy certified in the manner prescribed by section 76 of the Evidence Act.

(6) Nothing in the above rules shall prevent a court of its own motion, from issuing a summons for the production of public records or other documents in the custody of a public officer if it thinks it necessary for the ends of justice to do so. The court shall in every case record its reasons in writing.

III. Whenever an original document has been produced under rule I or rule II supra, the court shall, unless it sees fit to proceed under Order XIII, rule 8, of the Code of Civil Procedure, return it to the custody from which it was produced, without any application under the provisions of Order XIII, rule 7 (2) or rule 9 of the said Code, for its return. The provisions of Act V of 1917 and the rules framed thereunder shall not apply to such a document, until it has been returned to the court or the public officer by whom it was produced.

B.P. Mis. 1931, d. 25-8-26.
G.O. Ms. 2059, Rev., d. 28-5-56.

APPENDIX VII.

[Standing Order No. 174, paragraph 1.]

FORM A.

[Rule No. I (2).]

Letter of request by one court to the presiding judge of another court for the production of records.

(Cause-title.)

To

THE JUDGE OF THE COURT OF

Whereas upon the application of the abovenamed plaintiff-appellant / defendant respondent it has been made to appear to this court that perusal of the undermentioned papers, now in your custody, is of material importance in the above suit / appeal / matter now before this court and it is found that the production of the original documents is necessary for the purpose of justice, you are hereby requested to cause the said papers to be produced in this court / to transmit the said papers to this court on or before the day of .

[Enter description of papers.]

(Signed) ———.

B.P. Mis. 1931, d. 25-8-26.

FORM B.

(Rule No. II.)

Summons for the production of public records and other documents in the possession of the public servant other than a court.

(Cause-title.)

To

Whereas upon the application of the abovenamed plaintiff-appellant / defendant-respondent it has been made to appear to this court that a perusal of the undermentioned papers, now in your custody, is of material importance in the above suit / appeal / matter now before this court and that the production of the original documents is necessary for the purpose of justice, or that the said applicant cannot obtain a duly authenticated copy of the same without unreasonable delay or expense, you are hereby requested to cause the said papers to be produced in this court / to transmit the said papers to this court or to forward to this court, a duly authenticated copy of the said document on or before the day of .

[Enter description of papers.]

(Signed) ———.

B.P. Mis. 1931, d. 25-8-26.
G.O. Ms. 2059, Rev., d. 28-5-56.

APPENDIX VIII.

[Standing Order No. 174, paragraph 5.]

Procedure to be followed when a Government servant is summoned by a court to produce official documents for the purpose of giving evidence.

The law relating to the production of unpublished official records as evidence in court is contained in sections 123, 124 and 162 of the Indian Evidence Act, 1872 (Act I of 1872), which are reproduced below :—

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

124. No public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interests would suffer by the disclosure.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.

The court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence ; and, if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the Indian Penal Code.

2. For the purposes of section 123 above, the expression " Officer at the head of the department concerned" may be held to mean the officer who is in control of the department and in whose charge records of the department remain. Ordinarily such an officer would be the Secretary to the State Government in the case of State Governments and the Secretary, Additional Secretary or Joint Secretary in charge of the Ministry in the case of Government of India. But in case of attached officers like Directorates, the Director-General may be regarded as "the head of the department" for the purposes of this section. Only such an officer should be treated as the authority to withhold or give the necessary permission for the production of official documents in evidence. In case of Part C States the Chief Commissioner or the Lieutenant-Governor, as the case may be, may be regarded as the head of the department and not his Secretaries.

3. In respect of documents (1) emanating from a higher authority, i.e., the Government of India, or the State Government or which have formed the subject of correspondence with such higher authority, or (2) emanating from other Governments, whether foreign or members of the Commonwealth, the head of the department should obtain the consent of the Government of India or of the State Government, as the case may be, through the usual official channels before giving permission to produce the documents in court, or giving evidence based on them unless the papers are *intended for publication or are* of a *purely formal or routine nature*, when a reference to *higher* authority *may be dispensed with.*

4. In the case of documents other than those specified in paragraph 3 above, production of documents should be withheld only when the public interest would by their disclosure be injured, as where disclosure would be injurious to national defence, or to good diplomatic relations or where the practice of keeping a class of documents secret is necessary for the proper functioning of the public service. Some High Courts have pointed out the circumstances under which no such privilege should be claimed, e.g., privilege is not to be claimed on the mere ground that the documents are State documents or are official or are marked confidential or, if produced, would result in, parliamentary discussion or public criticism or would expose want of efficiency in the administration or tend to lay a particular department of Government open to a claim for compensation. The mere fact that the head of the department does not wish the documents to be produced is not an adequate justification for objecting to their production. The High Courts have also observed that refusal to produce documents relating to affairs of State implies that their production will be prejudicial to public interest. Consequently the reasons therefor should be given in an affidavit in Form I at the appropriate place. Appx. VIII

5. In a case of doubt the head of the department should invariably refer to higher authority for orders.

6. These instructions apply equally to cases in which Government is a party to the suit. In such cases, much will depend on the legal advice as to the value of the documents, but before they are produced in court, the considerations stated above must be borne in mind, and reference to higher authority made, when necessary.

6-A. A Government servant other than the head of a department who is summoned to produce an official document should first determine whether the document is in his custody and he is in a position to produce it. In this connection, it may be stated that all official records are normally in the custody of the head of the department and it is only under special circumstances that an official document can be said to be in the custody of an individual Government servant. If the document is not in the custody of the Government servant summoned, he should inform the courts accordingly. If, under any special circumstances, the document is in the custody of the Government servant summoned, he should next determine whether the document is an unpublished official record relating to affairs of State and privilege under section 123 should be claimed in respect of it. If he is of the view that such privilege should be claimed or if he is doubtful of the position, he should refer the matter to the head of the department, who will issue necessary instructions and will also furnish the affidavit in Form I in suitable cases. If the document is such that privilege under section 123 could not be claimed but if the Government servant considers that the document is a communication made to him in official confidence and that the public interest would suffer by its disclosure, he should claim privilege under section 124 in Form II. In case of doubt, he should seek the advice of the Head of the Department.

The expression "Head of the Department" used in this paragraph will have the same meaning as the expression "Head of the Department" in paragraph 2 of the original instructions.

7. The Government servant who is to attend a court as a witness with official documents should, where permission under section 123 has been withheld, be given an affidavit in Form No. I duly signed by the head of the department in the accompanying form. He should produce it when he is called upon to

Appx. VIII. give his evidence, and should explain that he is not at liberty to produce the documents before the court, or to give any evidence derived from them. He should, however, take with him the papers which he has been summoned to produce.

8. The Government servant who is summoned to produce official documents in respect of which privilege under section 124 has to be claimed, will make an affidavit in the accompanying Form No. II. When he is not attending the court himself to give evidence, he shall have it sent to the court along with the documents. The person through whom the documents are sent to court should submit the affidavit to the court when called upon to produce the documents. He should take with him the documents which he has been called upon to produce but should not hand them over to the court unless the court directs him to do so. They should not be shown to the opposite party.

9. The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally, or arrange for the appearance of another officer in the court concerned, with the documents, and act as indicated in paragraph 7 above, and produce the necessary *affidavit* if he claims privilege.

FORM OF AFFIDAVIT No. I.

IN THE COURT OF

Suit No. *of* 19 .

I, *
do hereby solemnly affirm and state as follows:—

A summons bearing No. dated issued by the Court of in suit No. of 19 (vs.) has been received on 19 requiring production in the said court on 19 , of documents stated below. I as the head of the department, am in control of, and in charge of, its records. I have carefully considered the relevant documents and have come to the conclusion that they are unpublished official records relating to affairs of State and their disclosure will be prejudicial to public interest for the following reasons.

*(here insert the name, designation and address of the person making the affidavit).

List of documents summoned.

I do not, therefore, give permission to any one under section 123 of the Indian Evidence Act, 1872, to produce the said documents or to give any evidence derived therefrom.

Solemnly affirmed at , etc., this day of 19 .

Name and designation of the person making the affidavit.

Appx. VIII.

FORM OF AFFIDAVIT No. II.

IN THE COURT OF

Suit No. *of* 19 .

I, *
do hereby solemnly affirm and state as follows :—

A summons bearing No. , dated issued by the Court of in suit No. of 19 (*vs.*) has been served on me on 19 , requiring production in the said court on 19 , of the documents stated below. I have carefully considered them and have come to the conclusion that they contain communications made in official confidence and I consider that the public interest would suffer by their disclosure for the following reasons :

* Here insert the name, designation and address of the person making the affidavit.

List of Documents summoned.

I, therefore, claim privilege under section 124 of the Indian Evidence Act, 1872.

Solemnly affirmed at , etc., this day of 19 ,

sworn before me, Signature and designation of the person making the affidavit.

Govt. Endt. 5067/54-2, Law, d. 19-5-54.
B.P. Rt., 2 31, d. 10-6-54.
Govt. Endt., 14645/55-1, Law, d. 11-11-55.
B.P Rt 6192, d. 13-12-55.
G.O. Ms. 2059, Rev., d. 28-5-56.

Chapter XV. *

TREASURY AND FINANCIAL.

[*N.B.*—The rules in this chapter do not in any way limit the application of those contained in the Madras Treasury Code, the Madras Financial Code and the Madras Accounts Code.]

181. General Treasury Administration—*Treasury Procedure.*—The procedure laid down in the Madras Treasury Code should be carefully observed in all treasury transactions. The following supplemental instructions are issued for the guidance of Collectors and Treasury Officers.

2. *Relative position of the Collector and his treasury deputy.*—[a]The treasury deputy collector is subordinate to the Collector in regard to all matters affecting the general treasury administration of the district[a]; accordingly, [b]the Collector should not address him by a separate letter as if he were an independent officer and then forward the treasury officer's explanation instead of his own in reply to questions or inquiries touching the treasury business. When any irregularity calling for report is brought to his notice, it is his duty to make a personal investigations, if necessary, and himself, to report the facts of those case[b]. [c]He should keep himself generally informed of the treasury correspondence, and to this end may open covers addressed to his deputy or make such other arrangements as he may consider necessary[c]. (Please see also instructions in S.O. 121).

Note.—The Collector is in general charge of Treasury and is personally responsible to the Government for the due accounting of all moneys received into and paid out of the Government account. (Vide Subsidiary Rule 1 under Treasury Rule 4 of the Madras Treasury Code, Volume I.)

[a] B.P. 393, d. 6-2-82. [b] B.P. 529, d. 8-2-77.
[c] B.P. 2974, d. 23-6-77.

3. *Appointment to the charge of district treasuries.*—No appointment to the charge of a district treasury may be made except under the orders of Government. This rule, however, does not apply to cases where gazetted officers subordinate to the Collector are placed in temporary charge of the treasury to meet emergencies.

G.O. 2407, d. 5-10-65 G.O. 921, d. 17-11-90.
B.P. 6958, d. 30-10-65. G.O. 524, d. 19-9-98
G.O. Ms. 2559, Rev., d. 21-6-1957.

182. Rules for the Custody and Verification of stock in Treasury—

SECTION I.—DISTRICT TREASURY.

Custody of money, opium and stamps.—The rules regarding the custody of money, opium and stamps in treasuries are contained in Chapter IV under Part II of the Madras Treasury Code, Volume I.

* B.P. 115, d. 15-10-28.

2. *Personal responsibility of the Treasury Deputy Collector.*—[a]Treasury Deputy Collectors should invariably be present when the double-locked chests are opened, and should continue to watch them until they are closed.[a] They must understand that they will be held personally responsible for any loss arising from their neglect of duty and that whatever may be the confidence reposed in the treasurer, no opportunity whatever should be afforded for the abuse of such confidence.

B.P. 392, d. 6-2-82. [a] G.O. 2503, Finl., d. 23-12-81.

3. *Verification of cash balance by the Treasury Deputy Collector.*—The Treasury Deputy Collector should sign the cash-book and the treasurer's balance sheet every evening, roughly verifying at the same time the balance with the treasurer. *He should also examine the balance with the treasurer in full detail at least once a week, and submit a report of his examination to the Collector.* [Vide local rulings 2 and 4-6, under Article 50-54 of the Madras Accounts Code, Volume II, and Subsidiary Rules 3 (*b*) and 8 (*g*) under Treasury Rule 11 of the Madras Treasury Code, Volume I.]

B.P. 392, d. 6-2-82. B.P. 1125, d. 24-3-82.
B.P. Press 21, d. 22-4-42.

4. *Verification of monthly cash balance by the Collector.*—The Collector when at headquarters must always verify the district treasury balance in person on the first day of each month. If he is absent on tour on the first day of the month, the duties may be entrusted to the senior gazetted subordinate of the district staff present at headquarters not being the officer in charge of the treasury. If neither the Collector nor any gazetted officer of the district staff other than the Treasury Deputy Collector is present at headquarters, the verification of the cash balance should be done in accordance with the rule in Instruction 9 under Treasury Rule 4 of the Madras Treasury Code, Volume I. The Collector should, however, himself perform the duty in person at least once in every six months as provided in Treasury Rule 4 (3) of the Madras Treasury Code, Volume I. The method of verification of the cash balance is detailed in Subsidiary Rules 7 and 8 under Treasury Rule 4 of the Madras Treasury Code, Volume I.

5. *Embezzlements*—(i) *Responsibility therefor.*—The Treasury Deputy Collector and all officials of the account and treasury branches will be held strictly responsible for the observance of the treasury and account rules, and they will not be excused from personal liability if it is found that their neglect of rules has assisted or facilitated fraud or covered its detection to the loss of public money. (Please *see* also Chapter XII of Madras Financial Code.)

G.O. 602, d. 17-7-01. B.P. 190, d. 10-8-01.

[a] (ii) *Reports on cases of embezzlement and losses.*—Every head of an office of the Revenue Department should submit an immediate report to the Collector through the proper channel of any embezzlement or serious account irregularity in his office committed by a Government

servant subordinate to him which may come to his notice. The Collector should send immediate notice to the Board of Revenue of any defalcations or losses of departmental Revenues or receipts whether paid into a Government treasury, or sub-treasury, or not, or any serious account irregularity in any office under his control, or defalcations, or misappropriations exceeding Rs. 200 committed by village officers, or losses exceeding Rs. 200 due to accidents or thefts in village officers' houses or while money is in transit to a treasury. A copy of the report, or such relevant extracts from it as are sufficient to explain the exact nature of the defalcation or loss should, at the same time, be forwarded to the Accountant-General under Article 294 of the Madras Financial Code, Volume I. Petty cases where the amount involved does not exceed Rs. 200 need not, however, be reported to the Accountant-General provided that they do not relate to embezzlements or serious account irregu arities and there are no important features which merit detailed investigation and consideration. Subject to the same exceptions, the Board should send to Government immediate notice of any embezzlement, or serious account irregularity in any office under it.

[a] B.P. 14, Press d. 1-2-38.

[b] Individual reports of misappropriations of collections by village officers or losses of money while in their custody which do not exceed Rs. 200 need not be sent by the Collector to the Board unless there are important features or defects of system which merit consideration. The Collector should, however, send to the Board of Revenue half-yearly, a statement of all such cases showing the amount, place, name of official responsible, disciplinary action taken, if any, in each case, the amount recovered or the amount written off. The half-yearly return should include also all cases occurring in previous half years regarding which all the particulars required by the Accountant-General had not been shown previously. The Board will review these half-yearly statements and furnish to the Accountant-General copies of the statements [b].

[b] B.P. Press 96, d. 15-9-41.

The instructions in Articles 273 and 300 of the Madras Financial Code, Volume I, should be borne in mind in investigating the matter, and assessing the responsibility and pecuniary liability of the officers concerned. When the matter has been fully enquired into the Collector should submit to the Board, except in petty cases referred to above, a further and complete report of the nature and extent of the loss, the errors or neglect of the rules by which the loss was rendered possible, the causes or circumstances which led to the defalcations, the prospect of effecting a recovery, the steps taken to prevent their recurrence, and the disciplinary action *taken*, if any, against the officers responsible. If however, disciplinary action is likely to take some time, the Collector should report, in the first instance, whether disciplinary action is being taken, and afterwards, report the result of the disciplinary action taken. The Collector's reports to the Board should be in *triplicate*. In all cases in which the Board has sent notice of an embezzlement, loss, or irregularity to Government, a copy of the detailed report received by it from

the Collector should be submitted to them. The Board should also forward a copy of this report to the Accountant-General. In case the Accountant-General calls for information direct from the Collector in respect of any defalcation, it should be furnished ; but the Collector's reply, if it deals with the causes, or circumstances which led to the defalcation, the steps taken to prevent its recurrence, and the disciplinary action, if any, taken against the officers responsible should not be sent to the Accountant-General direct, but through the Board. Even in cases where the loss involved does not exceed Rs. 200, the Collector should institute the necessary enquiry, and take steps for the recovery of he amount lost to Government. When the money lost or embezzled is irrecoverable, the amount should be included in the quarterly statement of irrecoverable arrears with a brief explanation of the reason for thus dealing with it.

(iii) *Departmental enquiries.*—The Collector should see that the procedure laid down in Article 301 of the Madras Financial Code, Volume I, is followed in conducting departmental proceedings against any of the delinquents.

(iv) *Criminal prosecutions.*—The Collector should see that the procedure laid down in Article 302 of the Madras Financial Code, Volume I, is followed in reporting promptly to the police in cases where a reasonable suspicion exists that a criminal offence has been committed, in helping the police in the conduct of prosecutions, and in filing revision against discharge or appeal against acquittal of any accused, and against the imposition of sentences which appear to be inadequate. In addition to the reports mentioned in the previous sub-paragraph, the Collector should report to the Board on the following points :—

(*a*) the commencement of police investigation ;

(*b*) the decision to prosecute in any particular case ;

(*c*) the result of any prosecution ;

(*d*) the decision to proceed further in revision or appeal in any case ; and

(*e*) the result of any proceedings in revision or appeal.

The Board will submit to the Government copies of these reports in all cases where it has sent notice of an embezzlement.

G.O. Mis. 2173, Rev., d. 14-9-35. B.P. Press 124, d. 26-9-35.

6. *Periodical examination of stock by the Collector.*—The Collector should conduct a periodical examination of stock in the treasury at least once in every six months in the case of cash, once a quarter in the case of deposits, and once a year in the case of securities and bill forms, as prescribed in Subsidiary Rule 2 and instructions 4 to 6 under Treasury Rule 4 of the Madras Treasury Code, Volume I.

7. *Verification of stock on assumption and delivery of charge by Collector.*—A Collector when assuming or making over charge of a district should thoroughly verify the stock in the treasury and forward a certificate of the cash balance to the Accountant-General as laid down in

Treasury Rule 4 (4) of the Madras Treasury Code, Volume I. All padlocks and duplicate keys belonging to or in the treasury shall also be examined and compared with the register and a certificate shall be signed that they have been found to be correct. [vide instruction 5 (i of Subsidiary Rule 3 under Treasury Rule 11 of the Madras Treasury Code, Volume I.]

SECTION II.—SUBORDINATE TREASURIES.

Note.—The orders in this section apply *mutatis mutandis* to Deputy Tahsildars' treasuries.

8. (i) *Officer in charge.*—Each taluk treasury should be under the joint lock and key of the Headquarters Deputy Tahsildar and the taluk head accountant. During the absence of the Tahsildar from headquarters, the Headquarters Deputy Tahsildar shall be regarded as the sub-treasury officer. [vide Subsidiary Rule 8 (*a*) under Treasury Rule 11 and Subsidiary Rule 3 under Treasury Rule 5 of the Madras Treasury Code, Volume I.]

G.O. Ms. 3221, Rev., d. 12-8-57.

Notes.—(1) The expression " taluk head accountant " includes accountant or sub-treasurer as the case may be, in treasuries in which there is such an officer and not a taluk head accountant. (vide explanation under Subsidiary Rule 3 under Treasury Rule 5 of the Madras Treasury Code, Volume I).

(2) In the sub-treasury at Madras, the two strong rooms used for the storage of opium, stamps and banderolls will be under the joint lock and key of the Tahsildar and the Assistant Tahsildar. The third strong room which is used for the storage of opium, stamp and banderolls for issue to the public by the Assistant Tahsildar will be under the joint lock and key of the Assistant Tahsildar and the taluk head accountant. The fourth strong room which is used for the storage of enough stamps for issue to the public by the taluk head accountant for a week will be under the joint lock and key of the taluk head accountant and the Assistant Tahsildar. (Please see instruction 5 (*h*) under Treasury Rule 11 of the Madras Treasury Code, Vol. I).

G.O. Ms. 1451, d. 6-6-38. B.P. Press, 70, d. 23-6-38.

(ii) *Keys of the Headquarters Deputy Tahsildar when on casual leave or absent.*—When the Headquarters Deputy Tahsildar goes on casual leave or has to be absent for any other reason, the Tahsildar shall normally arrange to be at headquarters to take charge of the Headquarters Deputy Tahsildar's sub-treasury keys from him. If both the Tahsildar and Headquarters Deputy Tahsildar have to be unavoidably absent, the keys aforesaid shall by entrusted to the Sub-Registrar. (Please see Subsidiary Rule 8 (*d*) under Treasury Rule 11 of the Madras Treasury Code, Volume I.

G.O. Ms. 3221, Rev, d. 12-8-57

Notes.—(1) A probationary Deputy Tahsildar who has had taluk head accountant's training may, while undergoing training under a Tahsildar, be entrusted with the keys of the sub-treasury during the Headquarters Deputy Tahsildar's absence from headquarters provided the Collector is satisfied that he understands the responsibility which this entails. (Please see note (3) to Subsidiary Rule 8 (*d*) under Treasury Rule 11 of the Madras Treasury Code, Voume 1).

(2) The officer in charge of the keys of the double-lock receptacles during the absence of the Headquarters Deputy Tahsildar will be answerable for their contents and should check the balance with the Headquarters Deputy Tahsildar both when taking and handing over charge. [See Subsidiary Rule 8 (*d*) and 8 (*h*) under Treasury Rule 11 of the Madras Treasury Code, Volume I.]

(3) The officer holding the Headquarters Deputy Tahsildar's keys during his absence may, when he has to leave the headquarters suddenly on any urgent call, hand over the keys to another officer competent to hold them, present at headquarters. [See note (2) to Subsidiary Rule 8 (*d*) under Treasury Rule 11 of the Madras Treasury Code, Volume I.]

G.O. Ms. 3221, Rev., d. 12-8-57.

(4) In the sub-treasury at Madras, a double-lock officer going on casual leave should leave his keys with the Huzur head clerk of the Collector's office and in his absence with the Superintendent of the Registration Department of the Taluk office, provided that the Assistant Tahsildar may leave with the Tahsildar the keys of the two rooms of which the keys of the second locks are held by the taluk head accountant.

G.O. Ms. 1451, d. 6-6-38. B.P. Press 70, d. 23-6-38.

(iii) *Keys of the taluk head accountant when on casual leave.*—The taluk head accountant should leave his keys with the head clerk when he goes on casual leave. [a] For the purpose of holding charge of the sub-treasury keys, the clerk drawing the highest pay in the Taluk office will be regarded as the head clerk [a].

[a] B.P. Mis. 503, d. 1-3-24.

(iv) *Custody of the cash chest.*—The cash chest in each taluk treasury should, like the treasury itself, be provided with double locks, the keys of which will be held in the same manner and by the same officers as the keys of the treasury.

(v) Whenever the taluk head accountant is transferred, the sub-treasury cash balance shall be verified and the result of the verification reported to the Collector [vide third sub-paragraph of Subsidiary Rule 8 (*f*) of Treasury Rule 11 of the Madras Treasury Code, Volume I.]

(vi) *Duties of the officer holding the Headquarters Deputy Tahsildar's keys.*—At a sub-treasury where there is a taluk head accountant the Government servant holding the Headquarter Deputy Tahsildar's keys during the latter's absence from headquarters shall be responsible for the following duties :—

(1) the custody of the keys ;

(2) opening and shutting the double lock strong room and the double lock stamp almirah, being present in the strong room whenever any transaction relating to the double lock balance of cash or stamps is carried out and being responsible for the contents of the double lock receptacles ;

(3) being present at the verification of the double lock balance whenever there is a transfer of charge between the Headquarters Deputy Tahsildar or any other Government servant holding the Headquarters Deputy Tahsildar's keys and himself;

(4) certifiying to the correctness of the closing cash balance on the day prescribed for closing the sub-treasury account for the month and signing the cash balance report (Form 3), the monthly sub-treasury account, etc. ;

(5) comparing the closing cash balance for the day in the Accountant's Day Book (Form T.A. III in the Madras Account Code, Volume II) with that in the shroff's balance sheet (Form 32) and, if they agree, signing both ;

(6) recording a certificate in the Accountant's day Book (Form T.A. III in the Madras Account Code, Volume II) that the balance agrees with that in the shroff's balance sheet (Form 32) and signing it; and

(7) verifying the cash balance and stamps under single lock satisfying himself that they agree with the shroff's balance sheet (Form 32) and the single lock register of stamps and then signing the shroff's cash book (Form T.A. I in the Madras Account Code, Volume II).

In a sub-treasury when there is no taluk head accountant the Government servant who holds the Headquarters Deputy Tahsildar's sub-treasury keys during the Headquarters Deputy Tahsildar's absence is not merely the custodian of the keys, but he shall supervise the work of the sub-treasury and be responsible for it. [Subsidiary rule 8 (*h*) under Treasury Rule 11 of Madras Treasury Code, Volume I).

G.O. Ms. 3221, Rev., d. 12-8-57.

(vii) The duties of shroffs are detailed in Subsidiary Rule 8 (1) under Treasury Rule 11 of the Madras Treasury Code, Volume I. A shroff should not be placed in charge of the treasury keys and should not be made to keep any accounts other than those properly pertaining to his office. If the treasurer of a district treasury goes on casual leave, however, he may at his option hand over his treasury keys either to the senior shroff or to the senior accountant serving under him on the clear understanding that in either case the treasurer will be personally responsible for any loss that may occur. A shroff should be required to make good any uncurrent or counterfeit coin received by him and any overpayment made by him. [Instruction 7 under Treasury Rule 11 of the Madras Treasury Code, Volume I.]

9. *Quantity of stock to be retained.*—The rules regarding the quantity of stock to be retained in sub-treasuries at district headquarters are contained in Subsidiary Rule 8 under Treasury Rule 11 of the Madras Treasury Code, Volume I.

10. *Maximum stock of stamps in the treasurer's sole custody.*—The rules relating to the receipt and custody of stamps are contained in the Madras Stamp Manual. The stock of stamps placed in the sole custody of the treasurer should not exceed the probable demand for a week—see instruction 16 under Treasury Rule 11 of the Madras Treasury Code, Volume I.

11. *Verification of daily balance by the taluk head accountant.*—(i) The taluk head accountant should examine every evening the balance in his treasury and sign the chitta with a certificate that the balance has been found to be correct. The chitta should be countersigned by the tahsildar when he is present at headquarters. An abstract of the total receipts, charges and balance should be submitted to the Treasury

Deputy Collector daily—see for detailedinstructions Subsidiary Rule 12 (a) under Treasury Rule 10 and Subsidiary Rule 8 (f) and (g) under Treasury Rule 11 of the Madras Treasury Code, Volume I, and local ruling 2 under Article 47 of the Madras Account Code, Volume II.

B.P. 467, d. 26-2-75. B.P. 652, d. 12-3-78.
B.P. 520, d. 8-2-77. B.P. 3910, d. 22-12-83.

(ii) When the taluk head accountant is absent, the next senior officer, i.e., the head clerk, may discharge all his duties, including the examination of the treasury. (Please see sub-paragraph 2 of the Subsidiary Rule 8 (f) under Treasury Rule 11 of the Madras Treasury Code, Volume I.)

B.P. 2089, d. 27-7-75.

12. *Examination of stock balances by the Tahsildar and Headquarters Deputy Tahsildar.*—The rules are contained in Subsidiary Rules 8–11 and instructions 6–12 under Treasury Rule 5 of the Madras Treasury Code, Volume I.

G.O. Ms. 1914, Fin., d. 29-11-56, G.O. Ms. 3221, Rev., d. 12-8-57.

13. *Annual verification of taluk balances by a gazetted officer.*—The Collector should see that the taluk balances are verified once a year by a gazetted officer and that a report of the verification is made to the Board.

B.P. 392 d. 6-2-82.
G.O. Ms 2559, Rev., d. 21-6-57.

183. Inspection of district and sub-treasuries and collecting depots*. The rules relating to the inspection of district and sub-treasuries and collecting depots are embodied in Appendix IV in the Madras Treasury Code, Volume II. The questions to be answered in connexion with the inspection of district and sub-treasuries and collecting depots are contained in Annexures I to IV to that Appendix. (Please see also Subsidiary Rules 12 and 13 under Treasury Rule 5 and instruction 14 of Treasury Rule 5 of the Madras Treasury Code, Volume I.)

G.O. Ms. 2559, Rev., d. 21-6-57.

* For inspection of Taluk offices, see paragraph 2 (ii) of Standing Order No. 116 in Board's Standing Orders, Volume III.

184. Dealings with agencies of the Reserve Bank of India—*General rules.*—The rules for the conduct of business by Government treasuries with the agencies of the Reserve Bank of India are laid down in the following Codes :—

The Madras Treasury Code, Volume I—[Treasury Rule 3 and the instructions thereunder, Subsidiary Rules 19 (a)–23 (a) of Treasury Rule 10 and the instructions thereunder, and Subsidiary Rules 57–63 of Treasury Rule 16 and the instructions thereunder].

The Madras Account Code, Volume II—(local rulings 3 and 7 under Articles 50–54 ; local rulings 1–5 under Articles 42–43 ; local ruling 2 under Articles 55–56 ; local ruling 2 under Articles 92–94).

These rules should be carefully observed by all Treasury Officers. The following subsidiary instructions are issued for the guidance of treasury officers.

2. *When the agency of the Reserve Bank of India is located at the Collector's headquarters.*—When the agency of the Reserve Bank of India is located at the Collector's headquarters, all monthly remittances from subordinate treasuries should be made direct to the agency of the Reserve Bank of India, accompanied by the usual remittance list in duplicate. The original list will be receipted and returned by the agency of the Reserve Bank of India officials and the duplicate retained for transmission to the Deputy Collector with the daily account. (Please see also instruction 8 under Treasury Rule 30 of the Madras Treasury Code, Volume I.)

G.O. 801, d. 2-8-73.

3. *When the agency of the Reserve Bank of India is located at a place other than the Collector's headquarters.*—When the agency of the Reserve Bank of India is situated at any place other than the Collector's headquarters, remittances from taluks should be made either to the agency of the Reserve Bank of India or to the treasury, according to the instructions issued from time to time by the Treasury Deputy Collector.

G.O. 801, d. 2-8-73.

4. *Remittances from villages in the taluk in which the agency of the Reserve Bank of India is situated.*—The rules relating to the subject are contained in Subsidiary Rule 22 and instruction 37 under Treasury Rule 10 of the Madras Treasury Code, Volume I.

5. *Money tendered at the Collector's office after the closing of the agency of the Reserve Bank of India.*—If money is tendered at the Collector's office after the agency of the Reserve Bank of India is closed, it should not be received save in exceptional cases of urgency, when it should be remitted to the agency of the Reserve Bank of India without fail on the next day on which the agency of the Reserve Bank of India is open, even if such day happens to be a holiday for the Collector's office. (Please see also instruction 38 under Subsidiary Rule 22 of Treasury Rule 10 of the Madras Treasury Code, Volume I.)

B.P. 166, d. 8-3-89.

6. *Taluk register of remittances.*—In order to ensure that every remittance passed on to the agency of the Reserve Bank of India duly reaches it, a register of such remittances should be maintained in each Taluk office, and the entries in the register compared with the remittance list returned by the agency of the Reserve Bank of India with daily statements of receipts—vide Subsidiary Rule 22 under Treasury Rule 10 of the Madras Treasury Code, Volume I.

B.P. Press 54, d. 16-5-35. B.P. 156, d. 1-2-81.
G.O. Ms. 2559, Rev., d. 21-6-57.

185. Miscellaneous.—*Office hours*—(i) *Banking treasuries and banking sub-treasuries.*—The working hours of all the banking treasuries and banking sub-treasuries in the districts in this State except those in the Nilgiris district are fixed as from 10 a.m. to 4 p.m. so as to synchronise with the banking hours. In the Nilgiris district, the working hours of the banking treasury and sub-treasuries will be from 11 a.m. to 5 p. m

(ii) *Non-Banking treasuries and sub-treasuries.*—Sub-treasuries in mufassal stations will, as a rule, be open to the public from 11 a.m. to 3 p.m. every working day, excepting the last working day of the sub-treasury month, when they shall close at noon. District treasuries will, as a rule, be open to the public from 11 a.m. to 3 p.m. every working day. In order, however, to facilitate the preparation and submission of accounts to the Accountant-General, district treasuries may be closed to the public at 1 p.m. on the 10th of each month and on the last working day of each month. If any exceptions to this rule are required in the case of particular treasuries, the Collector concerned should bring the matter to the notice of the Board. If on mobilisation, or in an emergency not entailing mobilisation, the Station Commander makes a written request to keep the district or sub-treasury open for transacting military official business on four specified consecutive days, the Collector shall direct the Treasury or Sub-treasury Officer as the case may be, to comply with the request and transact military official business only on those days. The fact of so keeping open of the treasury or sub-treasury as the case may be, shall be reported to the State Government. All officials in charge of taluk treasuries or of cash-boxes should be required to close them finally by sunset at the latest each day.

NOTE.—On Saturdays, district and sub-treasuries will be opened at 10 a.m. and closed at 2 p.m. Public transactions will be closed at 1 p.m. But suitable arrangements should be made for disposal of urgent work even after 2 p.m.

G.O. Ms. 2014, Rev., d. 13-5-57.
G.O. Ms. 3152, Rev., d. 2-8-57.
B.P. Mis. 1030, d. 8-8-57.

2. *Treasury holidays.*—Treasury servants should not be deprived of the authorized holidays enjoyed by other public servants. Collectors should notify in their district gazettes on what days their treasuries will be closed and should make arrangements for the despatch of any emergent business during such periods.

B.P. 8201, d. 16-12-62.

3. *Safes locks and duplicate keys of treasuries and cash chests.*—The instructions contained in instructions 4 (*b*) and 5 under Treasury Rule 11 of the Madras Treasury Code, Volume I, should be observed.

4. *Accommodation for other departments.*—The rules relating to the accommodation of cash chests and valuables of other departments are contained in Instructions 19–23 under Treasury Rule 11 of the Madras Treasury Code, Volume I.

5. *Packing of treasure.*—The rules contained in the Madras Treasury Code, Volume I, should be observed—vide subsidiary rules 11–18 under Treasury Rule 30.

6. *Checking of receipts by Tahsildars.*—In the case of land revenue and other collections for which the tahsildar is the departmental officer, it is essential that receipts should be entered from day to day not only in the sub-treasury accounts but also in the departmental registers. The tahsildar should see that his departmental figures are obtained

independently of his sub-treasury figures and that the one set acts as a *bona fide* check on the other set. The monthly collections calculated from the entries in the taluk demand, collection and balance registers should be checked with figures in the sub-treasury accounts and reconciled. An additional check should be effected by carrying forward progressive totals in the chittas or subsidiary registers and checking these with the figures in the demand, collection and balance registers and with the totals in the posting register.

The tahsildar is the departmental officer for the following departments: Land Revenue, Stamps, Excise, Poundage fees, Local Fund and Interest on loans.

G.O. Mis. 1679, Rev., d. 30-8-27. B.P. Mis. 2642, d. 16-9-27.

7. *Closing and despatch of monthly accounts.*—The rules are contained in Local ruling 1 under Articles 55-56 and local ruling 16 under Articles 95-99 of the Madras Account Code, Volume II.

8. *Examination of village cash accounts by the taluk head accountant.*—It is the duty of the taluk head accountant to examine the village chitta (extract of village tandal) or cash book received in the taluk office with each remittance, and, after satisfying himself that the amounts entered in the chitta have been duly brought to account, to certify to that effect in the monthly account-current sent to the treasury deputy collector. It is also the duty of the taluk head accountant to examine the account-current before its despatch and to certify on it that the amount entered therein corresponds with the figures entered in the villagewar accounts prescribed by the Taluk Manual.

B.P. 156, d. 1-2-81. G.O. 269, d. 30-1-11.

9. *Chalans.*—A sufficient supply of printed chalans in duplicate in the Forms 9 and 10 prescribed in the Madras Treasury Code, Volume II, should always be kept on hand. [Please see Instruction 7 under Subsidiary Rule 10 (*c*) under Treasury Rule 10 of the Madras Treasury Code, Volume I.]

10. *Orders for payment.*—In order to avoid the inconvenience and risk accompanying the payment of money upon proceedings recorded in the regional language and to ensure caution in the issue of such proceedings, every order issued by a court or office for the payment of money from a Government treasury should be recorded in English unless the presiding officer is not acquainted with the English language. Where the disbursing officer does not understand English and the officer ordering the payment does, the order for payment should be both in the regional language and in English.

11. *High Court Deposit Rules.*—The rules framed by the High Court in regard to the receipt and payment of money under the orders of civil courts are embodied in Local Ruling 1 under Article 71 of the Madras Accounts Code, Volume II, instructions 21 and 31 under Treasury Rule 10 and Instructions 20 and 29 under Treasury Rule 16 of the Madras Treasury Code, Volume I.

12. *Collector's private accounts.*—Though treasurers are not permitted to keep the private accounts of the Collector, or to act as his private agents, there is no objection to the salaries of the Collector or his subordinates when absent from headquarters on duty being drawn by the treasurer, and payments being made therefrom upon the orders or receipts of such officers, the salary when drawn being placed in a private cash-chest.

B.P., d. 18-7-1836 (M., Vol. I. p. 216). G.O. 547, d. 12-12-67.
B.P., d. 14-3-51 (M., Vol. II, p. 14). B.P. 682, d. 29-1-68.
B.P., 6459, d. 9-10-67.

13. *Cashing of bills or remitting Government money—Precautions.*—The following rules are laid down for the guidance of all officers in cashing bills or in remitting money from one office to another. They embody the minimum precautions to be observed for safeguarding Government money outside a Government office in normal circumstances. If conditions are in any way abnormal, as when the general tranquillity is disturbed or when the money has to be transported a long distance or when crimes against property have been unusually rife in any area, it is expected that officers will use their judgment as to the additional precautions that may be required.

Officers may, on the other hand, relax at their discretion the requirements of the rules where it seems safe to do so in certain circumstances; for instance, in towns, where money has to be obtained from the State Bank of India, a clerk and a peon might suffice to bring money up to even Rs. 20,000 if the persons have long service and the clerk has given security.

These rules do not apply to the remittance of treasure which is governed by the rules in the Madras Treasury Code, Volume I, or to village officers remittances.

Rules.

Sums below Rs. 500.—(i) If the sum is below Rs. 250, single peon may be employed.

(ii) If the sum is Rs. 250 or above, two peons may be employed or a shroff or clerk.

Note.—In Deputy Tahsildar's office where two peons may not be available for amounts between Rs. 250 and Rs. 500, the Deputy Tahsildar should wire to the Taluk office to send a peon who should accompany his own peon with the remittance. When such a sum has to be brought from the Taluk office, the Tahsildar should arrange to depute a peon to accompany the peon of the Deputy Tahsildar's office.

Officers must use discretion as to the persons employed. A peon recently entertained or a peon whose honesty has been suspected should not be employed alone.

Sums between Rs. 500 *and Rs.* 5,000.—A clerk or shroff accompanied by a peon should be employed.

Sums between Rs. 5,000 *and Rs.* 20,000.—Two clerks, or a clerk and a shroffs, or two shroff, or an officer not lower in grade than a Huzur Treasurer or a taluk head accountant should be employed accompanied by one or two peons.

Sums above Rs. 20,000.—Such transactions should not be common. An officer not below the grade of Huzur Treasurer or Taluk Head Accountant and a clerk or shroff should be employed with an escort of two peons.

For sums greatly in excess of Rs. 20,000, special arrangements should be made. (Please see Article 274-A of Madras Financial Code, Volume I.)

G.O. 334, Finance, d. 17-5-35. B.P. 101, Press, d. 8-8-35.
G.O. Ms. 2559, Rev., d. 21-6-57.

186. Powers of the Treasury Deputy Collector to sanction payments.—The rules are contained in Section VII of Part I of the Madras Treasury Code, Volume I.

187. Spending powers of Collectors and the Board—*General instructions.*—(i) The powers of Collectors and the Board to sanction expenditure in the Civil Budget are set forth in the Madras Financial Code, Volume I (vide Articles 41 and 42 of the Code).

(ii) Expenditure must be distributed over the year in a reasonable way suitable to the circumstances. Rush of expenditure towards the close of the year with a view to avoid a lapse of the budget grant should be scrupulously avoided and money should not be drawn from the treasury unless it is required for immediate disbursement. If money drawn in expectation of immediate payment cannot for any reason be promptly paid, the amount should at once be refunded to the treasury.

G.O. 346, Fin., d. 29-5-17. B.P. 147, d. 20-8-17.

(iii) Collectors have no power to sanction reappropriation of funds from one unit of appropriation to another. They should address the Board for reappropriation of funds when necessary (vide Chapter VIII of the Madras Budget Manual).

(iv) The powers of the Board as regards sanctioning temporary establishments do not cover cases where sanction is required for the entertainment of an establishment from year to year. In all cases where the proposed establishment is likely to be required for more than one year, the proposal should be regarded as one for a permanent and not for temporary establishment.

B.P. 818, d. 22-11-89.

2. *Budget estimates.*—Instructions for the preparation of budget estimates will be found in Chapters III to VI of the Madras Budget Manual.

G.O. Ms. .2559, Rev., d. 21-6-57.

188. Inter-departmental payments.—The rules on the subject are contained in Articles 115 and 116 of the Madras Financial Code, Volume I, and Article 66 of the Madras Account Code, Volume I.

B.P. Press 21, d. 22-4-42.

189. Refunds—*By whom sanctioned.*—(i) Collectors and [a] divisional officers [a] are authorized to sanction the refund of all sums (including departmental fines) collected by any department under their control when it is clear that Government were not in the first instance, or have since ceased to be, entitled to such amounts, as for instance when an original assessment, fine, etc,, has been cancelled or reduced on appeal. All cases in which there is any doubt should, however, be referred to the Board for sanction.

G.O. 903, d. 20-3-61.	G.O. 2705, d. 24-10-61.
B.P. 8664, d. 10-12-68.	B.P. 1701, d. 29-8-73.
G.O. 461, d. 1-3-76.	G.O. 566, d. 8-6-87.
B.P. 332, d. 24-2-87.	B.P. 709, d. 9-12-91.
B.P. 74, d. 17-2-92.	B.P. 33, d. 27-1-97.
B.P. 18, d. 31-1-08.	[a]B.P. 232, d. 26-6-96.

(ii) Collectors and divisional officers are also authorized to refund (1) assessment paid on inams resumed and subsequently restored to the inamdars and (2) overpayments of quit-rent.

B.P. 28, d. 15-2-08. G.O. 2245, d. 24-7-11.

(iii) Collectors and divisional officers are also authorized to make refunds, up to a limit of Rs. 500 and Rs. 100 respectively, of revenue realized by the Revenue Department from unreserved lands under its control, to which it is clear that the Government were not in the first instance, or have since ceased to be, entitled, as for instance when the value of trees on lands applied for under darkhast has been paid, but the darkhast has been rejected on appeal, or for some other reason [a]assignment has not been made [a] and the trees have not been felled or removed or when trees or other produce sold to a party have not been or could not be removed for good cause. Refunds of sums exceeding Rs. 500, require the sanction of the Board.

All refunds made under this clause should be debited in the treasury accounts to "X. Forest—Refunds—Voted—Refund by Revenue Officers."

B.P. 122, For., d. 14-18-15. [a]B.P. Mis. 2500, d. 1-8-28.
[a]G.O. Ms. 1667, Rev., d. 28-7-28.

(iv) Tahsildars and deputy tahsildars in independent charge are authorized to sanction refunds of revenue if based upon an order (*a*) which they are competent to pass or (*b*) which has been issued and communicated to them by some higher and competent authority. In the latter case, a copy of the order of the superior authority should be attached to the formal order sanctioning the refund.

G.O. 279, d. 2-2-09. G.O. 1031, d. 14-4-09.

(v) The rents collected from ryots of estates under section 3 (4) of the Madras Act XXX of 1947 or section 55 (1) of the Madras Act XXXVI of 1948 for fasli 1357 and the subsequent faslis in excess of the rents payable under the former Act as amended by Madras Act XXXIX of 1951 and not paid over to the landholders should be refunded to such ryots in cash after making the necessary adjustments towards the rents due for the following fasli. Revenue Divisional Officers and Estate Managers in the grade of Deputy Collectors are authorized to sanction the refund to ryots upto a limit of Rs. 200 in each case and Collectors are authorized to sanction the refund exceeding Rs. 200 in each case. There is no time-limit for the refund of the excess collection.

G.O. Pres. 3449, Rev. d. 7-11-55. B.P. Ms. 4891 (S.E.), d. 10-12-55.

2. *Refund of land-cess.*—Refunds of land-cess, and of revenues not accruing under the [a] Madras District Boards Act (Act XIV of 1920) [a] but assigned to local boards for the purposes of the Act, should be dealt with in the same way as refunds of land revenue.

B.P. 643, d. 20-7-88. B.P. 232, d. 26-6-96.
[a]B.P. 115, d. 15-10-28.

3. *Refund to [a]joint holders[a].*—In the case of refunds to [a] persons owning a holding jointly [a] the signature of all the persons concerned is necessary. But such signature may be given by the holder of a power-of-attorney from the parties.

[a]G.O. Mis. 1667, Rev., d. 28-7-28. [a]B.P. Mis. 2500, d. 1-8-18.

Note.—For purposes of grant of refunds under this paragraph a tenant registered under section 14 of the Malabar Land Registration Act shall be deemed to be "a person owning a holding jointly."

G.O. Ms. 2007, Rev., d. 7-8-39. B.P. Press 90, d. 4-10-39.

4. *Refund to representatives of deceased persons.*—As regards refunds to the representatives of deceased persons, if the amount concerned is small and the claim free from doubt, the procedure prescribed in Standing Order No. 67, paragraph 2, should be followed. In other cases an indemnity bond in the form given in the appendix to be executed at the cost of the claimant, should be taken before refund is made.

B.P. 176, d. 17-3-91.

5. *Refund of judicial fines.*—Treasury officers may refund judicial fines in accordance with the procedure laid down in that behalf by the High Court from time to time.

B.P. 216, d. 12-9-99.

Note.—Refund of fine.—When an appellate court or court of revision, other than the High Court, reverses or reduces a sentence of fine on appeal, it should issue a refund order in the form prescribed by the High Court.—*See* rule 261 of the "Criminal Rules of Practice and Orders, 1957".

When the High Court reverses or reduces a sentence of fine, the Court which passed the original sentence should issue a refund order on

receiving the High Court's certificate under sections 425 and 442 of the Code of Criminal Procedure in regard to its order on appeal or in revision.

(Instruction 18 under Treasury Rule 16 of the Madras Treasury Code, Volume I.)

6. *Certificate of refunds.*—To the monthly bills sent to the Accountant-General, a certificate should be appended to the effect that the amounts refunded have been duly credited in the accounts and have not been previously refunded.

Note.—Detailed instructions are given in Subsidiary Rule 27 under Treasury Rule 16 of the Madras Treasury Code, Volume I, and the form of certificate referred to in the Board's Standing Order is that given in Form 62 of the Madras Treasury Code, Volume II.

7. *Renewal of refund orders.*—In cases where refunds have been sanctioned by Collectors and divisional officers but not acted upon, they may, at any time, renew the order for refund, on cause shown, subject to the condition laid down in paragraph 1. [a] Where a refund has been sanctioned by the Board, such sanction, if not acted upon within a year of its receipt, will be held to have lapsed and must be again applied for. [a]

[a]B.P. 1204, d. 29-6-81. [a]B.P. 1665, d. 9-8-81.

8. *General procedure.*—The procedure prescribed in paragraph 4 should be adopted, under similar circumstances, in the case of payments on account of *any* claim against Government.

B.P. 176, d. 17-3-91.

9. *Refund of overpayments.*—Revenue inspectors may make refund of overpayments of land revenue shown in Village Account No. 14-C, which cannot be adjusted towards pattas on the authority of the lists published by the tahsildar in accordance with Standing Order No. 37-A. They should obtain the amounts required from the tahsildar and make the payments in the village, when on tour. (Please also see sub-paragraph 1 of Instruction 12 under Treasury Rule 16 of the Madras Treasury Code, Volume I.)

10. *Refund of overpayments of previous faslis.*—Refund of such overpayments of previous faslis will also be made by the jamabandi officer at his camp [Board's Standing Order Nos. 12 (13)* and 37-A† and sub-paragraph 2 of Instruction 12 under Treasury Rule 16 of the Madras Treasury Code, Volume I].

G.O. 678, d. 9-3-08. B.P. 118, d. 12-6-08.
G.O. 2245, d. 24-7-11.
* B.S.Os., Vol. I. † B.S.Os., Vol. II.

11. *Refund by postal money order.*—Unadjustable overpayments of land revenue exceeding 50 naye paise and not exceeding Rs. 25 may also be refunded by money order, the money order commission being borne by Government. (Please see Instruction 28 under Treasury Rule 16 of the Madras Treasury Code, Volume I.)

G.O. 3652, Rev., d. 11-12-13. B.P. 67, d. 20-3-16.

12. *Refund of disputed items of revenue.*—When in a suit against the Government a civil court has found that the collection of an item of revenue is illegal, and such finding has either been accepted by the Board or the Government or has been upheld by the judgment of an appellate court against whose decision no further appeal lies, any further collections of the same item of revenue which have been made subsequent to the filing of the suit shall ordinarily be refunded to the party concerned, on his making due application, even though a suit to recover such further collections may have become barred by limitation.

B.P. 19, d. 24-1-18.

13. *Time-limits for claims for refunds.*—Refunds of revenue may be classified as follows :—

(*a*) Refunds of revenue which are made *ex-gratia*, although the Government are under no legal obligation to make them, and

(*b*) refunds of revenue to which the claimants are legally entitled.

An application for a refund of revenue of the kind mentioned in clause (*a*) above should invariably be summarily rejected if it is received.

(i) when a notice has been issued to the party concerned, after three months from the date when the party received the notice ; and

(ii) in other cases, after one year from the date of credit of the revenue to the Government.

NOTE.—The above provisions merely lay down maximum time-limits, and no application for an *ex-gratia* refund should be entertained unless it is received within the maximum time allowed. This does not mean that all applications for such refunds received within the maximum time-limit applicable should necessarily be granted. If the authority competent to sanction *ex-gratia* refunds of a particular kind considers that for special reasons a shorter time-limit should be enforced in practice in regard to them, this may be done.

A refund of revenue of the kind mentioned in clause (*b*) above will be sanctioned, provided the claim is not barred by limitation under the Indian Limitation Act, 1908, or any other law or rule having the force of law. A claim against the Government which is barred by limitation under the provisions of any law shall ordinarily be refused, and no payment shall be made on account of any time-barred claim without the Government's special sanction. The onus of establishing a case for special treatment of a time-barred claim is on the claimant, and it is the duty of the authority before whom any such claim is made to refuse payment unless the claimant shows special and sufficient reasons for according special treatment to the claim. All petty time-barred claims should ordinarily be rejected forthwith.

The drawing officer should certify on each refund bill that the restrictions prescribed above have not been contravened. Alternative forms of certificate for this purpose are provided in the form of the refund bill (Madras Treasury Code Form No. 62).

(Please see also Article 35 of Madras Financial Code, Volume I, and Subsidiary Rule 27 under Treasury Rule 16 of Madras Treasury Code, Volume I.)

G.O. 367, Finance, d. 7-11-38.
B.P. 33, Press, d. 20-4-39.
G.O. Ms. 2027, Rev., d. 23-8-40.
B.P. Press 80, d. 7-2-40.
G.O. Ms. 2559, Rev., d. 21-6-57.

APPENDIX TO CHAPTER XV.

APPENDIX.

[Standing Order No. 189, paragraph 4.]

Form of Indemnity Bond to be executed by Claimants for Refunds under paragraph 4 of Standing Order No. 189.

KNOW ALL MEN by these presents that WE*

and

of

are bound unto the Governor of Madras in the sum of Rs. †

to be paid to the Government of Madras (hereinafter called the Government) or to their certain attorney . . . successors or assigns. For which payment we bind ourselves and each of us, our and each of our heirs, executors, administrators and legal representatives and every of them by these presents sealed with our respective seals.

*Here fill in names and addresses of the obligors as many as there may be.

†Double the amount of land revenue to be refunded.

Dated this

day of 19

Names of obligors. WHEREAS the above bounden

and

Name and description of deceased inamdar. claim to be the legal representatives of

of

now deceased and as such to be entitled to the refund from the Government of the sum of Rs. ‡

for and

‡Amount of refund claimed.

§Here describe the property in respect of which the refund is claimed. on account of land revenue in respect of the land and premises following, that is to say §

AND WHEREAS the said

Names of obligors. and have

applied to the Collector of the District of

||Amount of refunds claimed. to pay to them as such legal representatives as aforesaid the said sum of Rs. ||

which the said Collector acting for and on behalf of the Government has agreed and consented to do upon the said

and

Names of obligors. entering into the abovewritten bond or obligation with such condition for making void the same as is hereunder written. Now the condition of the abovewritten bond is such that if the said

Names of obligors.

The words "some or" to be used in cases where there are more than two obligors.

and

or some, or one of them, their, or some, or one of their heirs, executors, administrators or legal representatives shall at all times hereafter save harmless and keep indemnified the Government their successors and assigns and their officers and servants and every of them, their and every of their heirs, executors and administrators, estates and effects against all actions, suits, proceedings, accounts, payments, costs, damages, claims and demands which shall at any time hereafter be brought, commenced or prosecuted against, or made upon or incurred or sustained by, the Government, their successors or assigns, or by any such officers or servants as aforesaid, their or any of their heirs, executors or administrators for or in respect of the said sum of Rs. — or any part thereof, or for or by reason of the payment of the same or any part thereof, or for or on account of the refund of any land revenue in respect of the said land and premises or any part thereof and to which refund the legal representative of the said ¶ deceased may now be entitled. Then the abovewritten bond shall be void; otherwise the same shall remain in full force.

Amount of refund.

¶ Name of the deceased inamdar.

SIGNED sealed and delivered by the abovenamed in the presence of

SIGNED sealed, and delivered by the abovenamed in the presence of

Note.—Add a similar attestation for each person who is to execute the bond.

G.O. Ms. 2839, Rev., d. 3-11-38. B.P. 150, Press, d. 2-12-38.
G.O. Ms. 2559, Rev., d. 21-6-57.

Chapter XVI.

CONTINGENCIES AND STATIONERY.

PART I—CONTINGENCIES.

190. Contingencies—*Rules in the Madras Financial Code.*—The rules contained in Chapter VI of the Madras Financial Code on the subject of the holding of permanent advances, the drawing of contingent bills and the accounting of contingent expenditure should be carefully observed in all public offices.

G.O. Mis. 2104, Rev., d. 10-9-28. B.P. 106, d. 27-9-28.

2. *Responsibility of Collectors.*—Collectors will be held responsible for all contingent charges of their districts. It is their duty to see that the strictest economy is observed in regard to such charges, and they should strike out any excessive or questionable items of expenditure incurred by officers subordinate to them. Thus the charges on account of travelling allowance and carriage hire should be reduced to the least possible amount by seeing that officers going on circuit take with them only such servants and such records as are absolutely necessary ; economy should also be observed in the purchase of cloth for dufters, all old records being placed in bundles in racks or almiras instead of being tied up in cloth ; and the charge for lamp oil may be materially reduced by adopting measures to restrict unnecessary resort to artificial lighting.

B.P. 3417, d. 16-5-66.

Note.—Tahsildars and deputy tahsildars have been empowered to purchase dufter cloths for their records within a lump grant allotted by the Collector.

G.O. 680, d. 14-11-98.

3. *Contingent bills.*—Contingent bills with their vouchers should be forwarded to the Accountant-General as required and his instructions attended to in their preparation.

[a] A stock register of furniture and other office stores should be maintained in all offices in the manner prescribed in Article 135 of the Madras Financial Code. The clerk who maintains the stock register must himself receive new stock. Whenever a new purchase has been sanctioned and the bill for drawing the money required is ready it must be forwarded to the clerk entrusted with the maintenance of the stock register who should certify on the office copy of the bill that the new purchase in question has been duly taken on to the stock account. In those rare cases in which it is not possible to receive stock before payment is made as when articles are received by rail or post and payment is made under the value payable post system, the clerk in charge of the stock account should verify the new stock on receipt and furnish a certificate of verification which should be filed with the office copy of the bill concerned. Collectors should also enforce the proper observance of the rules regarding the periodical verification of stock, prescribed in the Madras Financial Code, by the officers to whom the duty of verification has been entrusted. Such verifications should, of course, be done with reference to the orders sanctioning new purchases since the date of the last verification.

An officer who authorizes an item of contingent expenditure must himself sign the faircopy of the bill on which the money required is to be drawn from the treasury. He should himself make suitable notes of payment against the original indents so that his personal responsibility may be enforced if a double drawal occurs.[a]

[a] G.O. Mis. 2762, Rev., d. 26-11-28. B.P. 471, d. 16-8-93. [a] B.P. 137, d. 8-12-28. B.P. 21, Press, d. 22-4-42.

191. [a]**Miscellaneous charges**—[b]*Powers of Collectors—Purchase of articles in India.*—The financial limits on the powers of Collectors regarding particular items of miscellaneous expenditure will be found in Appendix 15 of the Madras Financial Code, Volume II. The rules regarding the purchase of stationery and printing stores are contained in the Stationery Manual and Appendix 9 of the Madras Financial Code, Volume II. Rubber stamps are supplied by the Superintendent, Government Press, and the rules relating to their supply are contained in paragraphs 221-229 of the Printing Manual. Locks are obtained from the Public Works Workshops and Stores on payment. Collectors should not make a regular practice of purchasing articles up to the full maximum permissible and purchases made on different occasions for the same purpose or work of which the aggregate cost exceeds the prescribed maximum require the sanction of Government.

G.O. Ms. 1882, Rev., d. 15-5-56.

2. *Bicycles.*—The rules regarding the supply of bicycles are contained in item 6 in Appendix 7 of the Madras Financial Code, Volume II.

[a] G.O. 2978, d. 24-10-08 in B.P. 291, d. 2-12-08.
[b] G.O. Mis. 2387, Rev., d. 10-10-28. [b] B.P. Mis. 3484, d. 17-10-28.
G.O. Ms. 1882 Rev., d. 15-5-56.

3. *Furniture.*—Office furniture may be repaired under the authority of divisional officers, tahsildars and deputy tahsildars, the limit of sanctioning power in each case being fixed by Collectors at their discretion, but so as not to exceed their own purchasing power under paragraph 1 supra.

G.O. 1121, Fin., d. 20-12-02.
B.P. 23, d. 24-2-03.

4. *Peon's belts and badges.*—(i) [e]All taluk peons are supplied with belts of cotton webbing. All peons in other offices including dalayats and duffadars are allowed belts of dark blue cloth.[e] The edging should be red in the case of peons and dalayats, while gold lace is allowed for duffadars of Collectors. [h]The belts supplied to head peons in divisional offices should bear a double chevron in gold lace below the badge[h]. The dimensions of the belt in all cases are as follows :—length 6¾ feet ; breadth 4 inches, breadth of edging ¾ inch. Cotton webbing as well as cloth belts may be renewed at intervals of not less than two years ; but the gold-laced belts issued to duffadars will not be renewed oftener than once in four years. [i]Collectors may sanction renewals at shorter intervals when necessary[i].

B.P. 375, d. 1-10-96. B.P. Mis. 1025, For., d. 26-9-92.
[e] G.O. Mis. 2387, Rev., d. 10-10-28. [e] B.P. Mis. 3484, d. 17-10-28.
[h] G.O. 2959, d. 29-10-09. [h] B.P. 258, d. 13-11-09.
[i] G.O. 115, d. 16-1-09. [i] B.P. 29, d. 4-2-09.

(ii) Peons are also furnished with a plate of brass or silver representing the badge of office. New badges should be of the prescribed patterns and made of brass, except in the case of duffadars and the dalayats on Collector's and divisional officers' establishments, who are allowed silver badges. New badges should be supplied only when the necessity for renewal is satisfactorily established. [k]Collectors may sanction the supply and renewal of badges which they should obtain on indent from the Public Works Workshops and Stores.

B.P., d. 28-11-59 (M., Vol. III, page 256 of 1859).
[k] G.O. 115, d. 16-1-09. [k] B.P. 29, d. 4-2-09.

(iii) Collectors may sanction the supply and renewal of belts and badges to minor irrigation lascars who are in reality peons and form part of the Revenue establishment. The belts and badges supplied to them should be similar to those supplied to ordinary taluk peons, but the badge should bear the inscription "Revenue Department—Minor Irrigation lascar." The cost should be debited to the minor irrigation grant.

B.P. Mis. 3558, Sett., d. 19-7-99. B.P. Mis. 4637, Sett., d. 15-9-99.
B.P. 89, Sett., d. 1-5-17.

5. *Table cloths.*—Table cloths are supplied to all officers drawing [a] Rs. 150[a] and upwards. The tables of other officers should be sand-papered and varnished from time to time. Collectors, divisional officers and (in the case of their own offices) tahsildars may renew table cloths once in five years and within that period if necessary without reference to the Board.

Note.—Dark-coloured chintz may be purchased instead of woollen cloth, if it is neither more expensive nor less durable.

B.P. 126, d. 16-3-93. B.P. 471, d. 16-8-93. B.P. Mis. 360, For., d. 14-4-93.
G.O. 1121, Finl., d. 20-12-02. B.P. 23, d. 24-2-03.
G.O. 1956, d. 19-7-09. [a] B.P. Mis. 1287, d. 11-6-23.
G.O. 1060, Rev., d. 25-4-38. B.P. Press, 44, d. 6-5-38.
G.O. Mis. 1882, Rev., d. 15-5-56.

6. *Clocks.*—[a] Collectors have been empowered to purchase clocks for use in their own and subordinate offices [a] and also to incur charges for their repairs, but on each occasion of a new supply or renewal, as the case may be, they should furnish the Accountant-General with a certificate explaining the necessity therefor.

G.O. 1121, Finl., d. 20-12-02. B.P. 23, d. 24-2-03.
G.O. 1965, d. 8-7-14. [a]B.P. Mis. 48, d. 10-1-16.
G.O. 911, Rev., d. 27-3-17. B.P. 80, d. 1-6-17.
G.O. 339, Pub., d. 26-3-17. B.P. 77, d. 29-5-17.
G.O. 2110, Rev., d. 11-9-19. B.P.96, d. 27-6-17.
B.P. 104, d. 21-10-19.

PART II—STATIONERY.

192. Stationery and forms.—The detailed instructions concerning the supply and consumption of stationery and forms will be found in the Stationery Manual and Printing Manual respectively.

2. *Expenditure.*—No articles of stationery whatever whether included or not in Appendix I to the Stationery Manual, shall be obtained by local purchase. Petty purchases of stationery are however allowed in exceptional circumstances and they are regulated by rule 7 (1) of the Stationery Manual, Volume I.

3. *Indents.*—The annual indent for stationery articles and forms should be submitted in the prescribed form and before the prescribed date. Collectors should avoid supplemental indents as far as possible. These can be avoided if the indenting officers exercise the utmost care in the preparation and checking of indents. No article of stationery the supply of which to the indenting officer is not authorized by Appendix I to the Stationery Manual shall be indented for. Collectors are authorized to indent on the Controller of Stationery and Printing or to sanction supply to officers subordinate to them of such articles of stationery enumerated in Appendix I to the Stationery Manual as are not specifically marked for supply to them in order to meet casual as opposed to recurring demands subject however to the condition that the total value of articles does not exceed Rs. 50.

Indents for stationery for use of village officers should be prepared separately from those relating to other officers, e.g., members of the taluk office establishments, the requirements being calculated in all cases, not on the basis of the sanctioned scale, but on the basis of actual consumption in the past subject to the maxima prescribed in the sanctioned scale.

4. *Stock-taking.*—Stock books should be verified once a quarter as laid down in rule 49 of the Stationery Manual. The quarterly verification certificate should be in the form prescribed in rule 50 of the Stationery Manual.

5. *Custody of stationery and maintenance of stock account.*—Separate stock books for stationery articles issued frequently or occasionally have been prescribed. In districts where the revised system of supply by smaller units such as Collectors, Revenue Divisional Officers or Tahsildars is in force, the cash-keeper or such other officers that are entrusted with the custody of stationery should maintain the stock account.

(Vide rule 48 of the Madras Stationery Manual, Volume I, as amended by paragraph 9 of G.O. No. 680, Finance, dated 17th October 1933.)

* 6. *Issue of stationery required for the Collector's Office.*—The stationery required for the Collector's Office should be supplied once a month from the General store on indents passed by the Treasury Deputy Collector. The cash-keeper should make no issues whatever without

a passed indent or memorandum from the Treasury Deputy Collector and when the supply is made, the cash-keeper must obtain an acknowledgment from the recipient of the articles in the stock book.

* B.P. 3081, d. 8-6-1865. * B.P. 471, d. 16-8-1893.
* G.O. 474, Fin., d. 22-6-33. * B.P. Ms. 2161, d. 1-8-33.
* G.O. Ms. 898, Rev., d. 4-5-34. * B.P. 67, d. 12-5-34.
G.O. Ms. 1882, Rev., d. 15-5-56. B.P. Mis. 1347, d. 28-9-56.

7. *Supply of stationery to subordinate offices.*—As soon as convenient after the receipt of the stationery articles from Madras, the supply which is due to district, taluk and deputy tahsildars' offices for one year should be despatched by the unit officers upon indents received from the officers comprised in the unit. These should be carefully examined by the unit officer. Should any officer insist upon an unreasonable supply of any article being made the unit officer should bring the matter to the notice of the Collector and obtain his orders.

Taluk offices should open a separate account of all stationery supplied to or consumed by village officers and maintain such an account from year to year.

8. *Custody of stationery in subordinate offices.*—Separate stock books, other than those referred to in rule 48 of the Stationery Manual, are not necessary. Every receipt or issue should be recorded in either of these stock books and the issues should be acknowledged by the recipient himself.

9. *Issue of paper required for the use of officers and clerks in subordinate offices.*—A clerk or accountant who may require any kind of paper for use will enter the same in the stock book stating briefly the purpose for which it is required and signing his name. For sundry purposes, such as drafting and fair copying letters, preparing memoranda and the like, one or two quires of writing paper should be placed on the head clerk's table, so that whenever the clerks and accountants may require paper in the course of the day, they can take as many sheets as they may want. This will obviate the necessity of their signing in the stock account every time they may require paper. The quantity so placed on the head clerk's table must at once be entered in the stock account, an acknowledgment being obtained from him in the stock book, and as soon as it is consumed, a further quantity should be obtained and treated similarly. Paper, etc., issued from time to time for an officer's use must be entered in the stock book and attested by the personal clerk concerned, and if the officer has no personal clerk, the clerk who deals with stationery matter may be made responsible for the supply.

10. *Return of consumption of stationery in the subordinate offices.*—The several officers who are supplied with stationery should after the close of a year furnish the Collector with a return showing receipts, issues and balances of articles of all kinds in the form given in Appendix IX (10) of the Stationery Manual, Volume II, Part I, through the unit officer.

G.O. Ms. 1433, Rev., d. 6-7-36. B.P. 91, d. 22-7-36.

Chapter XVII.

[a] DISTRICT GAZETTES AND OLD DISTRICT RECORDS AND OTHER DISTRICT PRINTING WORKS.

193. District Gazette.—A monthly official gazette will be published in each district. Detailed rules regarding its printing and issue will be found in the Printing Manual.

194. Printing of old district records.—The more important of the old district records including *hukumnamas* should be selected and printed. Detailed instructions on the subject are contained in the Printing Manual.

195. Periodical reports.—Collectors should submit to the Board annually not later than 31st May statements showing the selections printed from old records and the demand, collection and balance of press receipts for printed work. (Vide Appendix).[a]

[a] G.O. 911, Rev., d. 27-3-17.
B.P. 80, d. 1-6-17.

[a] G.O. 2996, Rev., d. 19-8-18.
B.P. 162, d. 4-9-18.
G.O. 2110, Rev., d. 11-9-19.
B.P. 104, d. 21-10-19.

G.O. Ms. 1882, Rev. d. 15-5-56.

APPENDIX TO CHAPTER XVII

APPENDIX

[Standing Order No. 195.]

Annual statement.

A.—Statement showing selections printed from records during 19 –19 .

No. (1)	Description of papers printed. (2)	Number of papers. (3)	Number of copies struck off. (4)	Number of copies sent to Board and Government. (5)

Bd.'s Cir. Memo. 478, d. 27-4-68.

B.—Statement showing the Demand, Collection and Balance during 19 –19 .

Head.	Demand.			Collection.						Balance.		
	Arrears at the beginning of 19 –19 .	Cur-rent.	Total.	Arrears.		Current.		Total.		Arrears.	Current.	Total.
				Collection.	Remission.	Collection.	Remission.	Collection.	Remission.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Subscriptions to and sale of gazettes.												
Advertisements.												
Sundry receipts.												
Private work.												
Total ..												

Bd.'s Cir. Memo. 478, d. 27-4-68.
B.P. 80, d. 1-6-17.
G.O. 911, Rev., d. 27-3-17.
G.O. 2110, Rev., d. 11-9-19.
B.P. 104, d. 21-10-19.

Chapter XVIII.

FOREST PANCHAYATS.

195-A. Forest Panchayats—*General.*—The management of forest panchayats in all districts with the exception of a very few panchayats is now vested in the Forest Department. Under Section 53 (1) (*a*) of the Madras Village Panchayats Act, 1950, all unreserved forests in the village at the commencement of the Act, should vest in the panchayat and be administered by it for the benefit of the villagers. Even after the transfer of management of forest panchayats to the Forest Department or village panchayats, as the case may be, the Revenue Department will continue to conduct the elections (including all preliminaries), and attend to the work connected with the approval of first agreement, etc., and with matters relating to the objections to elections.

G.O. Ms. 2088, Dev., d. 26-4-1948. B.P. Mis., 746, d. 6-7-1949.
G.O. Ms. 2543, Dev., d. 12-5-1949. G.O. 91, L.A., d. 20-1-1955.
G.O. Ms. 460, Rev., d. 31-1-1957.

2. *Constitution of a new forest panchayat.*—The following are the various stages in constituting a new forest panchayat :—

(i) *Publication of notification.*—When it has been decided to form a forest panchayat for an area newly transferred as ryots' (Class III) forest or to reconstitute an existing panchayat, or to form a new one by clubbing two or more existing panchayats, a notification to that effect containing a description of the boundaries of the forest and the village or villages which it is expected to serve should be published in the village sheet of the District Gazette and a copy of the notification in English and regional language should also be put up in the village as well as in the taluk office.

There are obvious advantages in retaining the village as the unit of panchayat administration, and it is generally true that panchayats work best when so constituted. But it is, at times, more advantageous to club the grazing areas of adjoining villages into one block and to place such block under the management of a single panchayat elected from the component villages. This simplifies protection and secures economy of working. Conversely, a large reserve serving a number of villages which cannot be supervised by a single panchayat should be split up into separate panchayat areas.

(ii) *Inspection.*—The tahsildar or deputy tahsildar should then inspect the forest along with villagers, and explain to them the working of the panchayat system.

(iii) *Election.*—An election of members to the panchayat will then be held. Elections shall be arranged for by the divisional officer who can hold the election himself or may depute a suitable officer who

may be the tahsildar or deputy tahsildar, to hold it. Seven clear days' notice shall be given of the date of election in the villages and hamlets constituting the panchayat. A panchayat may consist of from five to nine members. Seats on the panchayat shall be definitely allotted by the revenue divisional officer with the approval of the Collector to villages or groups of villages (or where hamlets are of sufficient importance, to hamlets or groups of hamlets) and intimated to the officer holding the election. In fixing the number of seats to be allotted for each village, the divisional officer should be guided by the number of cattle in each village and the area of forest which lies within the limits of that particular village and the amount of grazing available in unreserves for that particular village. The election for each seat on the panchayat shall be held in the village (or hamlet) itself or (where this is not considered necessary) in one centre or more than one centre as appears suitable in each particular case.

The panchayat shall be elected by the general body of cattle owners residing in the village or villages served by the forest in question from among themselves, the number for each village (or hamlet), or group of villages (or hamlets) being elected by the cattle owners of that particular village (or hamlet) or group of villages (or hamlets). The officer holding the election will explain in general terms to the electors present the main duties and responsibilities of the panchayat and the principal conditions of the agreement to be made with the panchayat. Efforts shall be made to secure that, as far as possible, representatives of all communities in the village are elected and that the scheduled castes are represented also.

Notwithstanding anything contained in the rules laid down above, the Collector of a district may, for reasons to be recorded in writing, suspend the elective method in the case of any panchayat and nominate the panchayatdars.

The members of the panchayat elected or nominated in the manner laid down above shall elect a president from among themselves.

Objections to the election of any panchayatdar shall be made to the election officer *immediately* after the election. No objection shall be allowed except on the ground that the candidate elected is either disqualified or not qualified or on the ground that there were gross irregularities or malpractices in the election. The election officer shall immediately enquire into the objections and pass such orders as he deems fit. An appeal from his orders shall lie, within three days, to the revenue divisional officer, or if the election officer is the revenue divisional officer himself, within seven days, to the Collector. The appellate authority may, after such enquiry as may be necessary, pass such orders as he deems fit. His orders shall be final.

A person shall not be eligible for election as a member of a forest panchayat if such person—

(*a*) is not a Citizen of India ; or
(*b*) is a female ;

(c) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court;

(d) is of unsound mind;

(e) is under 25 years of age;

(f) is an insolvent;

(g) is a deaf-mute;

(h) is a leper;

(i) has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency such sentence not having been reversed or the offence pardoned.

A person removed from the membership of a forest panchayat under paragraph 5 below shall not be eligible for election to any forest panchayat for a period of three years from such removal.

3. *First agreement with a forest panchayat*—(a) *Drafting the first agreement*—(i) *Grazing limit.*—The first essential in drafting the agreement is to fix the grazing limit. The limit should be settled with reference to the proper protection of the area. It is essential to protect reserves from overgrazing. This should be specifically explained to the members of the panchayat and their co-operation enlisted in fixing a limit which will be within the capacity of the forest, in settling the number of cows, bulls, buffaloes and sheep to be permitted, and in distributing the permits between the villages making up the panchayat. Normally, grazing may be permitted up to the limit of one cow to three acres of forest but where the forest is rich in pasture an exception may be made. It must also be made clear to the panchayatdars that the limit fixed should not be exceeded without the previous sanction of the revenue divisional officer, that an order of the panchayat allowing grazing in excess of this limit is liable to be rescinded by the revenue divisional officer and that any income derived by the issue of permits in excess of the limit without sanction will be credited to the Government.

(ii) *Grazing rates.*—The rates of grazing fees for each class of animals should then be fixed. The panchayat will be allowed to fix the rates subject to the proviso that the rates should not ordinarily be more than the departmental rate obtaining in the locality for grazing in reserved forests. Where, however, special circumstances exist the panchayat may request the Collector to sanction the levy of higher rates. The fees should be in the proportion of one buffalo equals two cows and one cow equals two sheep.[a] Foreign cattle (i.e., cattle not belonging to the villages mentioned in the schedule to the agreement) should be charged higher fees than the local cattle. Permits at ordinary rates may be issued to the cattle of such non-residents as own cultivated land in the village and usually keep their cattle in the village: such permits should be issued only for the cattle that are usually kept in the village and only after the needs of the villages mentioned in the schedule to the agreement are met.[a] Panchayatdars will enjoy no concessions of any kind in the matter of grazing fees.

[a] B.P. 91, d. 10-7-34.

(iii) *Closure period.*—The importance of observing a period during which the forest will be absolutely closed to grazing, in order to prevent deterioration of the pasture in the reserve, should be brought home to the panchayatdars. A period of two months immediately after the first rains and as soon as pasture can be obtained outside the forest should ordinarily be fixed in consultation with the panchayat and the period decided upon should be specified at the appropriate place in the agreement. The closure period will naturally be the same in all the panchayats in a given locality.

(iv) *Minor forest produce.*—The rates of fees for the removal of manure leaves, dead wood and fuel from the small coupes to be worked, if any, quarried material, timber for agricultural and domestic purposes (where this concession is allowed), should then be fixed and incorporated in the agreement. Manure leaves should not be cut from timber trees; they should be cut only from shrubs and undergrowth and only by rotation and in suitable blocks of say, a quarter or one-third or half of the area according to the size of the forest.

(v) *Watchers.*—The number and pay of watchers should then be determined. The number should generally be based on the extent of the forest at the approximate rate of one watcher for every 1,000 acres, subject to the limitations imposed by the resources of the panchayat and the special circumstances of each forest. In the case of large compact blocks the area for patrol by a watcher may be greater and in the case of a panchayat managing two or more distinct reserves the area may be smaller.

(vi) *Improvements.*—The possibility of improving the forest should then be considered, and adequate provision should be made for all items of improvement which the panchayat ought to carry out. (Appendix II contains suggestions and instructions with regard to the improvements which it might be possible to carry out in panchayat forests.) The annual provision made should not exceed the value of the work that can be carried out satisfactorily in a year.

(vii) *Maintenance of boundaries.*—The sum needed to keep the boundaries cleared and in proper order should also be allowed for. Appendix III contains detailed instructions regarding the maintenance of boundaries.

(viii) *Contingent expenditure.*—A reasonable amount should be allotted under this head.

(ix) *Rent payable to the Government.*—After carefully estimating as above, the total revenue and expenditure likely to accrue in a year, the rent to be paid to the Government should be fixed, allowance being made for possible fluctuations. The panchayat's share of the income from compounding fees and fines should not however be included in the total estimated revenue for purposes of fixing the rent payable to the Government.

G.O. Ms. 2477, d. 8-11-37. B.P. Press 138, d. 7-12-37.

(x) *Sandal-trees.*—In the case of forests which contain sandal trees the agreement should include a special condition that the sandal trees and saplings growing in the area handed over to the panchayat are reserved to Government, and that the panchayat will be held responsible for the proper protection and tending of the trees and for any loss or damage caused to them and should mention the rate of commission which the panchayat will receive on the sale of sandalwood extracted from the forest.

(*b*) *Approval of the first agreement.*—The main conditions of the lease having been determined, the tahsildar or deputy tahsildar should submit to the revenue divisional officer two reports in the forms prescribed in Appendices IV and V respectively and a draft agreement on plain paper in the form prescribed in Appendix I in English and in the regional language. The agreement should ordinarily be for a period of three years and should be timed to expire at the end of June, as the grazing year corresponds to the fasli year.

The revenue divisional officer will submit the report and the draft agreement to the Collector with his remarks. The Collector will forward the draft agreement with his recommendation to the Board of Revenue for orders. The Collector will have the agreement as approved by the Board of Revenue copied on a one rupee and fifty naye-paise stamp-paper and will obtain signatures of the panchayatdars to it. The stamped and signed agreement should then be submitted for the signature of the Secretary to the Board of Revenue. On receipt of the agreement duly signed by the Secretary to the Board of Revenue the revenue divisional officer will issue a proceedings in the form in Appendix VI. The regional language copy of the agreement together with a copy of the proceedings should be sent to the panchayat and the English copy should be filed in the office of the revenue divisional officer. The names of the panchayatdars should be published in the village sheet of the District Gazette.

(*c*) *Starting the panchayat on its work.*—(i) The panchayat must be supplied with a map of the forest under its control.

(ii) The entire boundary of each panchayat forest should be perambulated by the tahsildar or the deputy tahsildar with the president and other members of the panchayat.

(iii) The instructions in Appendix III regarding maintenance of cairns and boundary lines should be followed.

(iv) The extents on which manure leaf and fuel coupes are proposed to be cut by the panchayat should be located at first close to the boundary line which can serve also as one of the boundary lines of the blocks. The boundaries of manure-leaf coupes should follow well-defined natural features on the ground such as pathway, cart-track, stream, etc. Fuel coupes should as far as possible be rectangular in shape. The panchayat should be instructed to clear the boundary lines of the coupe before the coupe is cut. Definite instructions should be given in writing in the minute book of the panchayat about the species from

which leaves can be cut for manure and the number of trees in each fuel coupe to be preserved as standards for the propagation of the species.

(v) The area proposed to be closed permanently against grazing, if any, should also be defined on the ground as in the case of manure-leaf coupes and should be shown on the map.

(vi) The locality proposed for the digging or repair of a cattle-pond or for clearance of noxious growth or for growth of trees should be inspected and a rough estimate of the work proposed should be prepared. Panchayats should also be advised about the trees that can advantageously be grown with reference to the nature of the soil and the trees found to thrive already in the locality.

(vii) Panchayatdars should be asked to take permits for their own cattle on the spot and a few ryots may also be induced to take permits on the spot. No permits should ever be issued on credit. As graziers do not generally take their permits to reserves for fear they should be lost or damaged by rain, panchayats should be asked to arrange as far as possible for the supply at the time when permits are issued of tin or bamboo tubes to hold them.

(viii) All the accounts should be opened and the president instructed in writing them up. In the case of areas originally worked by panchayats under the forest village system and transferred subsequently to panchayat management, the new accounts should begin with the surplus fund of the old panchayats.

(ix) It should be made known to the people that only persons who take permits are entitled to graze their cattle in the forest and to enjoy the privilege of cutting manure leaves, small timber, etc.

(x) The first meeting of the panchayat should be held in the presence of the electors and the advantages of panchayat management and the method of working should be explained to them.

(xi) Action taken on the above lines should be noted at the foot of the first report of inspection.

4. *Elections to forest panchayats at renewals of agreement.*—A fresh election of members shall take place before every renewal of an agreement, unless it is decided to renew the agreement with the existing members of the panchayat. The election should be conducted in the same manner as the first election.

5. *By-election.*—The revenue divisional officer may, with the previous approval of the Collector of the district, remove from office the president of any panchayat or any panchayatdar if in his opinion the president or panchayatdar is by reason of his conduct or otherwise unfit to remain in office or because he has ceased to reside or own cattle in a village attached to the panchayat. Notice in writing shall be given of such removal. The revenue divisional officer may accept the resignation of the president or of any other panchayatdar. Every removal or resignation shall take effect from the date on which the orders of the revenue divisional officer ordering the removal or accepting

the resignation reaches the president. Such removal or resignation shall not affect the personal liability of the president or panchayatdar for any acts or omissions by the panchayat or by himself while he was president or panchayatdar. Vacancies in a panchayat caused by the death, resignation or removal of a panchayatdar shall be filled up by election or nomination in the manner indicated in sub-paragraph 2 (iii) above. The election shall be conducted by the tahsildar or deputy tahsildar at his first visit to the panchayat after the occurrance of the vacancy. A panchayatdar so elected or nominated should be advised of the terms and conditions contained in the agreement relating to the forest and should be asked to sign the agreement then subsisting.

The results of all the elections to forest panchayats should be published in the village sheet of the District Gazette.

6. *Modification, cancellation and renewal of agreements.*—The following is the procedure when the agreements originally executed require modification or cancellation before the expiry of the period of agreement or are to be renewed on the expiry of that period :—

(*a*) *Modification.*-An agreement approved by the Board of Revenue may be modified during the currency of the agreement only with the consent of the parties to the agreement.

(*b*) *Cancellation.*—Failure to comply with any of the conditions mentioned in the agreement will be a ground for cancelling the agreement. No agreement shall be cancelled except under the orders of the Board of Revenue. The Board of Revenue shall have the right to cancel at any time, without giving any reasons, any agreement and on such cancellation of the agreement, no refund of the rent paid for the year will be allowed. When the agreement has thus been cancelled the accounts of the panchayat together with any balance to its credit shall be transferred to the Collector. The forest may then be handed over to a new panchayat constituted for the purpose or may be dealt with otherwise, as deemed fit by Government.

(*c*) *Renewal of agreements.*—(i) Proposals for renewing agreements will be submitted by the tahsildar or deputy tahsildar sufficiently early to permit of final orders being passed before the expiry of the current agreement. Renewal agreements shall run from the expiry of the old agreement, but if an agreement is cancelled and a new panchayat is constituted the new agreement will take effect from the date of its execution by the new panchayat.

(ii) Agreements shall ordinarily be renewed for a period of three years at a time.

(iii) As it is the intention of the Government that any increase in income due to good management and to the improvement of the forest by the panchayat should be at the disposal of the panchayat for expenditure on the further improvement of the forest or on works of public utility in the villages served by the panchayat forest, the rent will not ordinarily be increased on account of any increase in income due to these causes.

(iv) Renewal agreements must be prepared with the same care and in the same manner, *mutatis mutandis* as original agreements and the principles set out in paragraph 3 should be duly observed. Variations between the estimates for the lease period and the actuals of previous years during which a lease was in force should be fully explained. Proposals for renewing an agreement should be submitted by the Tahsildar or Deputy Tahsildar three months before the date of expiry of the current agreement. It will not, however, be necessary to send a report in the form in Appendix IV. Collectors have power to sanction renewals unless there is a change in the amount of rent, in which case the sanction of the Board of Revenue should be obtained for the renewal.

G.O. Ms. 16, Rev., d. 4-1-32. B.P. Ms. 61, d. 7-1-32.

(v) The Tahsildar or Deputy Tahsildar must invariably inspect the forest before submitting proposals for renewing an agreement or reconstituting a panchayat.

G.O. Ms. 460, Rev., d. 31-1-57.

APPENDICES TO CHAPTER XVIII.

APPENDIX I.

[Standing Order No. 195-A, paragraph 3 (b).]

Agreement.

THIS AGREEMENT entered into this day of One thousand nine hundred and BETWEEN THE GOVERNOR OF MADRAS (hereinafter called "The Governor" which expression shall include his successors in office and assigns) of the one part and (1)
residing at village, (2)
residing at village, (3)
residing at village a duly elected and constituted Panchayat (hereinafter called "the Panchayat" which expression shall also include the Panchayatdars elected from time to time under the rules hereinafter provided whether in substitution for or in addition to the abovenamed Panchayatdars) of the other part.

WHEREAS it has been agreed by and between the parties hereto that the right of management and control of the area of forest more particularly described in the schedule hereto (hereinafter called the said area) should be assigned to the Panchayat to be managed by them on the terms and conditions set forth below.

NOW THIS AGREEMENT WITNESSETH :—

1. That in pursuance of the said agreement and in consideration of the covenants and conditions contained herein and of the payments to be made by the Panchayat hereinafter mentioned the Governor hereby assigns to the said Panchayat the right of management and control of the said area of forest situate in the District of and Sub-District of and more particularly described in the schedule hereto TO HAVE AND TO HOLD the same for a period of years from the day of 19 .

2. The Panchayat hereby covenants with the Governor as follows :—

(*a*) To pay to the Government of Madras (hereinafter called the Government) for each fasli or portion thereof the sum of Rs. such sum to be paid in advance in two equal instalments on the 15th of January and 15th of October in every year the first of such payments to be made on the day of 19 .

(*b*) To be jointly and severally liable to the Government for the payment of the sums hereinbefore mentioned on the dates at the place and in manner herein provided and also generally for the observance and performance of the other covenants and conditions contained herein and on their part to be observed and performed.

(*c*) To meet at least once in two months for transacting business connected with the management of the said area.

(*d*) To hold periodical meetings at intervals of not less than . . . of the cattle owners in the said area within . . . days after the close of each fasli to hold a general meeting of such cattle owners and place before such meeting for its scrutiny and approval the accounts relating to the panchayat for such fasli.

(e) To expend the revenue derived by the Panchayat in or by the exercise of the powers given by these presents towards firstly the preservation and maintenance of the said area and secondly towards improvements to the said area such as planting trees and shrubs, including tangedu (avaram), growing fodder grass and manure leaves, making or improving cattle ponds, cleaning noxious growth or bunding streams. Provided however that any surplus after meeting the abovesaid expenses may with the previous sanction in writing of the Collector of District be expended on works of general utility in the villages mentioned in the schedule. Appx. I.

(f) To prevent as far as may be possible wilful damage to the said area by fire or any other causes.

(g) At its own cost to clear and maintain in good condition boundaries and boundary marks.

(h) To prohibit goats from grazing within the said area and to limit the number of cattle permitted to graze to cow units for the said area provided however that any income derived by the issue without the sanction of the Revenue Divisional Officer at of permits for grazing in excess of the number herein fixed shall be absolutely forfeited to Government.

(i) Not to permit any grazing in the said area during the months of .

(j) To regulate the felling of trees in the said area and the removal of the same.

(k) To allow permit-holders to cut leaves for manure only from shrubs and undergrowth in an area not exceeding part of the total of the said area by rotation.

(l) To maintain the following accounts and registers in the forms prescribed from time to time :—

(1) Cash Register.
(2) Permit-holders' Register.
(3) Permit forms in duplicate.
(4) Minute book.
(5) A book of offence reports.
(6) A register of offences reported.
(7) Diary.
(8) Acquittance roll.
(9) Forest watchers beat book.
(10) Stock register.

B.P. 37, d. 15-4-35.

(m) To report to the Tahsildar or Deputy Tahsildar with its recommendation all forest offences in cases where the value of the property involved does not exceed Rs. 50 and where the President of the Panchayat is not empowered to compound such offence or where being so empowered decides not to compound same. Provided always that in the case of all other forest offences a report shall forthwith be submitted by the Panchayat to the Revenue Divisional Officer at .

(n) To be strictly responsible for the careful protection and tending of the sandal trees and saplings growing in the area which are reserved to Government for any loss or damage caused to them.

G.O. Ms. 406, Rev., d. 18-2-32. B.P. Ms. 667, d. 26-2-32.

Appx. I. (o) To permit the free removal from the reserve of timber, bamboos, thatch grass and other forest produce on a requisition from the Collector in cases of any special calamity in any of the villages mentioned in the schedule, in accordance with the scale prescribed by him.

G.O. Ms. 1026, Rev., d. 22-5-34. B.P. 70, d. 29-5-34.

In extreme cases of distress, such as famine, to permit free cutting and removal of grass and free grazing to all cattle seeking admission in accordance with the orders issued by the Collector.

B.P. 31, d. 26-3-35.

(p) To work the minor fuel coupes and to sell the major fuel coupes in public auction in accordance with the orders issued by the Collector from time to time.

B.P. 33, d. 1-4-35.

3. The Governor hereby covenants with the Panchayat as follows :—

(a) That the Panchayat paying the half-yearly sum hereby fixed in manner hereinbefore mentioned shall peaceably hold, enjoy and manage the said area without any interruption from the Government or any person claiming under them.

(b) To disburse to the Panchayats an annual grant of a sum equal to 90 per cent of the aggregate amount of fines and compounding fees realized as a result of forest offences committed within the said area and reported by the Panchayat. Such sum shall form part of the funds of the Panchayat and may be expended by the Panchayat as herein provided.

G.O. Ms. 1774, Dev., d. 10-8-43. B.P. Press 17, d. 18-8-43.

(c) To disburse to the Panchayat as an incentive to the preservation by it of the sandal trees and saplings growing in the area, a commission at the rate of Rs. 2 per quarter of 28 lb. of scented wood extracted from the forest.

G.O. Mis. 406, Rev., d. 18-2-32. B.P. Mis. 667, d. 26-2-32.

(d) To disburse to the Panchayat a portion of the major fuel coupe revenue derived out of the forest at the rate fixed by the Collector.

B.P. 33, d. 1-4-35.

4. Provided always and it is hereby agreed as follows :—

(1) That the Panchayat shall have the following powers in regard to the management of the said area :—

(a) to issue permits and charge fees for the grazing of cattle and for the cutting and removal of leaves for manure, fuel and small timber for agricultural implements at the following rates :—

RATES.

(b) to exclude any cattle from the said area or any portion thereof or to set apart any portion of the same for a particular class of cattle.

(c) to exclude from the said area cattle belonging to any person who wilfully or negligently sets fire to or otherwise causes damage to such area or who removes tree growth for sale or who is guilty of disobedience of the lawful orders of the Panchayat and to cancel the permits if any issued to him.

(d) to impound in such pounds as shall be authorized by Government cattle found grazing within the said area without permits issued by the Panchayat.

(e) to regulate the sale and removal of dead wood, windfalls, the usufruct of all trees aud other minor forest produce within the said area. Appx. I.

(f) to appoint such number of watchers as they may deem expedient and to pay them out of the Panchayat Fund.

(g) to permit the grazing in the said area of cattle belonging to villages other than that mentioned in the schedule at such special rates as may from time to time be sanctioned by the Collector of .

(2) That the Panchayat may permit quarrying within the said area at the following seigniorage rates and subject to the conditions contained in the Board's Standing Orders relating to Forest Panchayats :—

RATES.

(3) That these presents are further subject to the rules and conditions relating to the Forest Panchayats now in force and any modification thereof by the Board of Revenue or any proper authority of which the Panchayat and any future members thereof shall be deemed to have notice.

(4) That if in the opinion of the Revenue Divisional Officer at the President of the Panchayat or any Panchayatdar is by reason of his conduct or otherwise unfit to hold office, as such President or Panchayatdar or because he has ceased to reside or own cattle in a village attached to the Panchayat, he may with the previous approval of the Collector of District by notice in writing forthwith remove such President or Panchayatdar from his office. Such opinion and decision of the Revenue Divisional Officer shall be final and conclusive and altogether binding upon such President or Panchayatdar. Provided however that such removal shall not affect the liability under these presents of such President or Panchayatdar in respect of acts or omissions done or omitted while he was holding office as such.

(5) That every vacancy occurring in the Panchayat shall be filled by election by the cattle owners residing in the village or group of villages (or hamlet or group of hamlets) mentioned in the schedule hereto to which the vacancy relates. This shall not debar the Collector from filling the vacancy by nomination for reasons to be recorded in writing.

G.O. 2262, Rev., d. 1-11-34. B.P. 164, Press, d. 9-11-34.

5. If the whole or any part of the half-yearly payment hereinbefore fixed shall be unpaid for days after the same is due and payable or if any covenant on the part of the Panchayat shall not be performed or observed then and in any of the said cases it shall be lawful for the Board of Revenue for and on behalf of the Government to put an end to this agreement by notice in writing addressed to the President of the Panchayat and on the service of such notice this agreement shall forthwith absolutely determine but without prejudice to the rights of the parties against each other in respect of any previous breach of this agreement :

Provided nevertheless that in the event of the cancellation of the agreement under this or the next succeeding sub-clause the Panchayat shall not be entitled to any compensation whatsoever or to a return of any portion of the half-yearly payment paid in advance but shall be liable to pay over the entire amount of the Panchayat Fund and deliver all the books of account and records of the Panchayat to the Collector, District.

6. Notwithstanding anything hereinbefore contained it shall be lawful for the Board of Revenue on behalf of the Government at any time and without assigning any reason therefor to cancel this agreement or to stop payment of

Appx. I. any grant hereinbefore provided or to recover from the Panchayatdars jointly or severally all or any amounts that the Board of Revenue may in its opinion deem to have been misspent or misappropriated by the Panchayat or to retain such sum out of any sums due and payable to the Panchayat.

IN WITNESS whereof
acting for and on behalf of and by order and direction of the Governor of Madras and the parties hereto have respectively set their hands the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO.

Schedule.

Forest assigned.			Villages and hamlets served by the forest.	Taluk.	District.
Reserve.	Extent.	Boundary.			
	ACS.				

Signed and delivered by the abovenamed in the presence of

Signed and delivered by the abovenamed in the presence of

Signed and delivered by the abovenamed in the presence of

Signed and delivered by the abovenamed in the presence of

B.P. 101, d. 30-7-34. B.P. 131, Press, d. 23-11-37.

G.O. Ms. 460, Rev., d. 31-1-57.

APPENDIX II.

[Standing Order No. 195-A, paragraph 3 (a) (vi).]

Instructions regarding the carrying out of improvements.

The improvements generally needed in the ryots' forests are—

(i) Removal of prickly-pear.

(ii) Bunding of streams

(a) to retain water for cattle.

(b) to prevent erosion.

(iii) Repairs to cattle-pond and wells.

(iv) Grass-growing.

(v) Tree-planting.

(vi) Avaram cultivation.

(vii) Fencing.

The improvements contemplated should be noted in clause 2 (e) of the agreement and their due execution should be insisted upon. Owing to their commercial value the cultivation of avaram or tangedu (*Cassia auriculata*) should be recommended to all panchayats as likely to add substantially to their funds.

(i) *Removal of prickly-pear.*—With a view to eradicating cactus by poison experiments are being conducted. For the present the destruction of prickly-pear may be carried on by the usual process of cutting and burning or burying deep in the ground.

(ii) *Drinking-water sources.*—Works like the construction or repair of cattle-ponds and bunding of streams should be completed in one operation as piecemeal work will be ineffectual and wasteful. To this end, necessary funds should be allowed to accumulate or the required sum borrowed and the work carried out. The loan taken should be defrayed from the annual allotments provided from the revenues of subsequent years.

(iii) *Grass-growing* (*Rhodes grass*).—The growing of this grass is possible only in localities with a good water-supply. The selected plots should be ploughed up, divided into seed-beds as in ragi cultivation and manured. Rhodes seeds should be sprinkled over the manure and covered with sand to prevent them from being dislodged when watered. The plots should be regularly watered every two or three days, if necessary, by baling. Seedling will sprout in two weeks. They should be transplanted in ploughed and manured plots provided with irrigation bunds and channels and watered regularly as stated above. The first crop does not generally flower and it may be cut when it grows above 20 inches high. The further cuttings can be made at intervals of about 25 days.

(iv) *Tree-planting.*—Panchayats must plant trees every year unless there is drought. Success in this direction chiefly depends on culture of the seedlings before transplantation. Seedlings should be kept in pots pierced at the bottom to drain off water and prevent stagnation and should be planted in special soil. It will be for the Tahsildar or Deputy Tahsildar to make himself acquainted with the most suitable species for planting in such area and the best method of cultivation. Some of the most suitable are the following:—

Pungan (*Pongamia glabra*), Vadanarayana (*Poinciana elata*), Kattuvagai (*Albizza lebbek*), Vembu (*Melia agadirachta*), Puli (*Tamarindus indica*), Odiyan (*Odina wodier*), Illuppai (*Bassia longifolia*).

G.O. Ms. 460, Rev., d. 31-1-57.

APPENDIX III.

[Standing Order No. 195-A, paragraph 3 (a) (vii) and (c) (iii).]

Instructions regarding the maintenance of cairns and boundaries.

After the panchayat is put in possession of the forest the tahsildar or Deputy Tahsildar should perambulate the reserve with all the panchayatdars, especially with the President, and instruct them in the maintenance of boundary marks and boundary lines. The cairns or the stone pillars used for boundary marks should be serially numbered clockwise for the entire reserve from the north-western corner. The cairns should be well constructed with circumference at the base of 12 feet and a height of 4 feet and surmounted by small stone slabs carrying the numbers. The numbering will be in one series for the reserve even though two or more panchayats are formed for it. The intermediate lines between the constituent panchayats should be demarcated by small cairns bearing sub-numbers of the main boundary stone from which the intermediate line starts, e.g., 30/1, 30/2. These numbers should be clearly marked in the reserve maps and tracings. The boundary marks should be whitewashed, the numbers painted in tar and boundary lines cleared, if necessary, by hired labour, of all trees or shrubs to a width of 8 feet all round the reserve.

G.O. Ms. 460, Rev., d. 31-1-57.

APPENDIX IV.

[Standing Order No. 195-A, paragraph 3 (b).]

Report on the organization of Panchayats.

1. Name of the reserve and extent.
2. Name of the panchayat headquarters.
3. Nearest camping place and facilities for access.
4. Nearest post and telegraph offices.
5. Number and names of the revenue villages forming the panchayat.
6. Taluk.
7. Area allotted.
8. Type of the forest as soil, hilly or plain, and nature of trees and shrubs prevail ng.
9. Date of formation of the panchayat.
10. Names of the members of the panchayat and their occupations (e.g., ryot, village munsif, karnam) and any honorary post held.
11. Name of the president and his address.
12. Number of owners of both land and cattle in the locality.
13. Number of cattle under each kind other than goats according to the latest cattle census figures and date of last cattle census.
14. Number of goats in the locality according to the latest cattle census and how the panchayatdars propose to prevent goat-browsing in the forest.
15. Extent of unreserves in the village. Specify the survey numbers with extents and describe the species of growth found in them.
16. Scale of grazing fee proposed for animals other than goats—

	RS. NP.
(*a*) Buffaloes	
(*b*) Cows, bulls or bullocks	
(*c*) Sheep	
Total ..	

17. Number of cattle under each kind that may be permitted to graze in the reserve according to the local estimate of the possibilities of the reserve and the needs of the villagers.
18. Proposed rent to be payable by the panchayat to the Government.
19. Number of watchers proposed for employment and their pay.
20. Specific proposals to improve the forest—
    (i) by sinking new cattle-ponds or improving old ones:
    (ii) by the removal of prickly-pear; and
    (iii) by planting trees.

Appx. IV. 21. Statement of probable receipts and charges :—

Receipts.	RS.	nP.	Charges.	RS.	nP.
1. Grazing fees—			1. Watchers' pay ..		
(*a*) Buffaloes ..			2. Improvements to forest.		
(*b*) Cows, bulls and bullocks.			3. Maintenance of boundaries.		
(*c*) Sheep ..			4. Contingencies ..		
2. Minor forest produce—			5. Proposed annual rent.		
(*a*) Fees for collection of dead-wood, manure leaves, etc.					
(*b*) Lease of collection of avaram (tangedu) bark.					
(*c*) Sale of fuel coupes.					
(*d*) Fees for quarrying.					
(*e*) Tree-owners' fees.					
(*f*) Fees for removal of green timber.					
3. Commission on working big fuel coupes,					
4. Share in fines and compounding fees.					
5. Commission on sale of sandal-wood, etc.					
Total ..			Total ..		

Estimated balance Rs.

22. Panchayat's proposals, if any—

(*a*) to limit the area open to grazing and to have closed blocks by turns every year;

(*b*) to regulate the cutting of foliage for manure in three or four blocks by rotation; and

(*c*) regarding the working of fuel coupes.

23. General remarks.

G.O. Ms. 1774, Dev., d. 10-8-43: B.P. Press 17, d. 18-8-43.
G.O, Ms. 460 Rev., d. 31-1-57.

APPENDIX V.

[Standing Order No. 195-A, paragraph 3 (b).]

Report accompanying agreement.

No.

OFFICE OF THE REVENUE DIVISIONAL OFFICER,
Dated the 19 .

To

THE SECRETARY TO THE BOARD OF REVENUE,
LAND REVENUE,
Madras.

Through the Collector of

[SUBJECT.—Panchayat—Forest district taluk reserve Panchayat
Formation / Renewal / Reconstitution —Agreement.]

[Reference.— .]

The draft agreement with the Panchayat to manage the entire / a portion of the reserve in the taluk district for the period from to is submitted for approval.

2. The several villages that contributed areas to the forest are noted) below.

3. The salient features of the agreement are—

(a) Area acres.
(b) Rent Rs.
(c) Rate of rent per acre.
(d) Basis for the rent fixed.

(e) The entire area of / A portion of the area, viz., acres will be closed to grazing from to

(f) Grazing will be limited to cow-units as noted in the margin. The incidence works out to about acres per cow-unit.

	Local.	Foreign.
Cows ..		
Bulls ..		
Sheep ..		
Buffaloes ..		

(g) Coupes for manure-leaf / fue may be cut in an area of acres by rotation every year.

(h) trees will be planted every year by the panchayat.

Appx. V.

(i) Other improvements that will be effected annually are—

(j) The grazing rates fixed by the panchayat are—

(a) buffaloes.
(b) cows' bulls or bullocks.
(e) sheep.

(k) watcher on Rs. per mensem will be employed

4. (a) Authority for the $\frac{\text{formation}}{\text{reconstitution}}$ of the panchayat.

(b) In the case of proposals for the renewal of old agreement remarks about

(1) past working and conduct of the panchayat,
(2) its difficulties and requirements, and
(3) its financial condition at present and according to the proposed agreement.

Camp

Date 19 . *Tahsildar or Deputy Tahsildar.*

Revenue Divisional Officer's remarks—

Collector's recommendation or orders—

G.O. Ms. 460, Rev., d. 31-1-57.

APPENDIX VI.

[Standing Order No. 195-A, paragraph 3 (b).]

Proceedings approving agreement.

REVENUE DIVISIONAL OFFICE,
Dated the 19 .

No.

[SUBJECT.—Panchayat—Forest district

taluk reserve Panchayat $\frac{\text{Formation}}{\frac{\text{Renewal}}{\text{Reconstitution}}}$

—Agreement—Approved.]

Proceedings—

The $\frac{\text{Collector}}{\text{Board of Revenue}}$ has approved the draft agreement executed by the Forest Panchayatdars * mentioned below for the management of the $\frac{\text{entire}}{\text{portion of the}}$ reserve measuring acres for the period from to

2. (*a*) The panchayat should pay a rent of Rs. annually.

(*b*) $\frac{\text{The}}{\text{An}}$ area of acres should be closed to grazing from

(*c*) Grazing should be limited to cow-units.

(*d*) Coupes for $\frac{\text{manure-leaf}}{\text{fuel}}$ may be cut in an area of acres by rotation every year.

(*e*) trees should be planted every year in the area.

(*f*) Other improvements as should be executed every year in the area.

(*g*) Grazing fee should be levied at the rates of—

(*h*) watcher on Rs. per mensem should be employed.

(*i*) Minor forest produce and quarrying will be enjoyed by the Panchayat.

* Full names of Panchayatdars (Village of) residence
taluk district

Revenue Divisional Officer.

To the Collector of district.
,, the Tahsildar or Deputy Tahsildar,
,, the President, Forest Panchayat, , with a copy of the draft agreement through the Tahsildar or Deputy Tahsildar.

(G.O. Ms. No. 460, Revenue, dated 31st January 1957.)

CHAPTER XIX

MISCELLANEOUS.

196. Rewards for the destruction of wild animals—*Scale of rewards and sanctioning authorities.*—Collectors and Divisional Officers are authorized to grant rewards for the destruction of [a] tigers, panthers [a] and [b]wild dogs[b], [c] and tahsildars, deputy tahsildars and dependent deputy tahsildars for the destruction of wild dogs[c] at the rates shown in paragraph 6 below. The Board will be prepared to delegate to tahsildars and deputy tahsildars in independent charge the power to grant rewards [c] for the destruction of tigers and panthers [c] in taluks where the Collectors consider such a step is necessary. In [c] cases of rewards to be granted by Collectors and Divisional Officers [c], shikaris should be allowed to prefer their claims through tahsildars and deputy tahsildars, who should report on them for the orders of their superiors. But in the interests of preservation of wild life, the rewards for killing tigers and panthers should be paid only in cases where the animals were notorious man-eaters or cattle lifters.

B.P. 86, d. 12-2-90.
[b] G.O. 2157, Rev., d. 21-10-29.
[c] G.O. Ms. 182, Rev., d. 23-1-35.
G.O. Ms. 1259, Dev., d. 25-6-42.
G.O. Ms. 3296, Rev., d. 31-8-56.
[a] B.P. 25, d. 20-3-24.
[b] B.P. Ms. 3840, d, 17-12-29.
[c] B.P. Ms. 2004, d. 28-5-35
B.P. Press 39 (S), d. 27-7-42.
B.P. Press 23, d. 14-9-56.

All District Forest Officers and select rangers who will be specified by the Collectors in consultation with District Forest Officers have been empowered to grant rewards for the destruction of wild dogs.

G.O. Ms. 1971, Dev., d. 28-8-37. B.P. 119, Press, 4-11-37.

Notes.—(1) The rates given in paragraph 6 below are maximum rates. [a] Should circumstances render such a course desirable in any district, Government will reduce these rates or even abolish the rewards altogether [a]. Less than the maximum should suffice in the case of cubs, or where the killing of the animal was a matter of little difficulty or danger. On the other hand, disbursing officers should deal liberally with cases of killing tigers and panthers in localities where those animals are exceptionally destructive of human life.

B.P. 86, d. 12-2-90. [a] B.P. 67, d 27-3-05.

(2) Rewards are not granted for wild animals other than tigers, panthers and [b]wild dogs [b] except for the special rewards covered by paragraph 5 (as amended). [a]The term "panther" in this connexion means and includes a cheetah or a leopard. [a]

B.P. 25, d. 20-3-24.
[b] G.O. 2157, Rev., d. 21-10-29.
G.O. Ms. 1259, Dev., d. 25-6-42.
[a] B.P. Ms. 2009, d. 12-9-25.
[b] B.P. Ms. 3840, d. 17-12-29.
B.P. Press 39 (S), d. 27-7-42.

(3) When it is desired to offer a special reward in excess of the maximum for the destruction of a man-eater, Collectors can offer and grant an amount not exceeding double the standard maximum. For a special reward in excess of this amount the previous sanction of the Board must be obtained; but, when the reward proposed exceeds in any one case Rs. 500, the sanction of Government is necessary.

B.P. 58, d. 12-6-22.
B.P. 25, d. 20-3-24.
G.O. Ms. 2144, Rev., d. 1-6-56.
B.P. Ms. 1687, d. 30-11-56.

(4) The rules on the subject of rewards should be published from time to time in the district gazette, and as opportunities occur should be explained orally to shikaris.

(5) Special care should be taken to see that rewards are disbursed with the least possible delay.

B.P. 86, d. 12-2-90. G.O. 2549, Rev., d. 23-8-13.

2. *Conditions to be satisfied by claimants.*—Claimants should produce and give up the skull and teeth, as well as the untanned skin and claws, of the animal for which the reward is claimed.

Notes.—(1) The production of the skin may be dispensed within the case of jungle tribes who require it for sacrificial purposes ; also, where the slayer of the animal may wish to retain the skull and skin as trophies, their surrender need not be insisted on ; but in such cases, the value of the skin should be deducted from the reward ᵒ and the officer granting the reward should first satisfy himself by peronal inquiries that the claim is genuine ᵒ and give a certificate to that eff.ct on the bill.

B.P. 86, d. 12-2-90. ᵒ B.P. 92, d. 27-4-09.
ᵒ G.O. 992, d. 14-4-09. B.P. Press 76, d., 22-8-40.

(2) When a special reward has been sanctioned for the destruction of a particular animal, special care must be taken to ensure that the animal paid for is the one wanted.

B.P. 299, d. 16-6-92. B.P. 86, d. 12-2-90.

3. *Disposal of skull and skin.*—(i) The skull and skin should be disposed of as follows : The skull should g usually g be broken up in the presence of the disbursing officer immediately on payment of the reward ; g where, however, there is no likelihood of fraud, Collectors may use their discretion in disposing of the skull otherwise. g The skin should be forwarded to the district treasury as a voucher for the payment, with the disbursing officer's certificate that he has personally examined the skin and the skull before making the payment.

B.P. Press, 76, d. 22-8-40.

(ii) The treasury deputy collector is responsible for the examination of all skins forwarded to him, and it is his duty to see that no rewards have been paid on them before. After such examination and after being passed as vouchers, all skins should be uniformly marked with two blows of a one-inch chisel, right through, so as to form two sides of a triangle just at the root of the tail; the claws should then be removed from the skin which may be sold by auction when a convenient opportunity occurs.

Note.—In border districts where the importation of foreign skins may be suspected special care should be exercised in examining the skins, and, if necessary, local inquiry should be made through the tahsildar or deputy tahsildar.

B.P. 86, d. 12-2-90. g G.O. 1555, d. 24-5-12.
G.O. 2118, d. 15-7-12.
G.O. Mis. 1577, Rev., d. 5-8-29. B.P. Mis. 2694, d. 6-9-29.

4. *Elephant shooting.*—The Board has been empowered to sanction the issue of licence to shoot elephants. Collectors will receive applications for such licences and forward them for the orders of the Board. Permission to shoot elephants other than rogues will only be granted, when it is reported that they are dangerously numerous. Licences for the destruction of rogue elephants may be issued by Collectors themselves on their own authority. A rogue elephant is an elephant the proscription of which has been duly notified by the Collector in the district gazette. The District Forest Officer is also empowered to proscribe a rogue elephant by notification in the district gazette provided his notification is simultaneously notified to the Collector who will examine the facts and cancel the proscription at his discretion, if the elephant has not been shot in the

meanwhile. The validity of every such notification whether by the Collector or by the District Forest Officer shall by its terms be limited expressly to a period not exceeding one year, but Collectors are at liberty if they are satisfied that renewal is necessary to issue a fresh notification as often as may be required in respect of the same animal. Persons to whom licences to shoot elephants are granted must comply strictly with the applicable rules laid down in the Madras Game Laws and Shooting and Fishing Rules.

B.P. Mis. 2928, d. 28-9-29. G.O. Ms. 2577, d. 17-10-38.
B.P. Press 145, d. 2-11-38. G.O. Mis. 1529, Rev., d. 31-8-29.
B.P. 33, d. 27-6-42.

Note.—The Board has been empowered to allow persons who have, with due authority, destroyed rogue elepants to retain the tusks. Persons to whom licences are issued to shoot elephants other than rogues should not ordinarily be permitted to retain the tusks and therefore, if in any special case it is proposed to allow such retention, the sanction of Government should be sought.

G.O. 2596, Rev., d. 8-9-14. B.P. 415, d. 2-10-14.

5. *Rewards for the destruction of wild boars, sows and porcupines in the Nilgiris district.*—The Tahsildar, Coonoor, and the Deputy Tahsildars, Ootacamund and Gudalur, are empowered to grant rewards for the destruction of wild boars, sows and porcupines within their respective jurisdictions at the rates given in paragraph 6 below. Applications for the rewards should be made to them. The rewards will ordinarily be granted forthwith provided the applicant satisfies the conditions unless the Tahsildar or Deputy Tahsildar has any reason to doubt the *bona fides* of the claim. Applicants claiming these rewards should produce and give up, the skull and teeth and if the reward claimed is for a wild sow, should also produce a certificate from the village headman that he is satisfied that the skull is that of wild sow killed by the applicant.

Subject to these modifications, the rules in the previous paragraphs will apply to the grant of these rewards.

Note.—The rewards will not be granted under these rules for porcupines killed in the Government gardens and parks or in the Nanjanad Potato Farm, for which special provisions are contained in item 15 (G) in Appendix No. 15 to the Madras Financial Code, Volume II.

6. *Scale of rewards for the destruction of wild animals*—

Districts.	Full grown wild boars.	Wild sow or half-grown wild-boar or porcupine.	Tiger.	Panther, Leo"ard or Cheetah.	Wild dogs.
	RS.	RS.	RS.	RS.	RS.
The Nilgiris	5	3	30	20	10
Other districts	..	..	30	20	10

G.O. Ms. 1259, Dev., d. 25-6-42. B.P. Press, 39 (S), d. 27-7-42.

197. Escheats and unclaimed property—*Definition.*—All property, real or personal, to which there is no legal owner is escheat and belongs to the State.

B.P. 2278, d. 6-8-85.

SECTION I.—ESCHEATS OF PERSONAL PROPERTY.

Personal property of heirless intestates.—(i) *In the mufassal,* the Additional District Magistrate, or where the value of the property does not exceed Rs. 50, the subdivisional magistrate (executive), should take charge of all unclaimed personal property left by Hindus, Muhammadans and others who have died intestate and without heirs. [c] If the property is worth Rs. 50 or less, the subdivisional magistrate (executive) should cause it to be sold at once and the sale proceeds credited to Government [c] [a] Sales should be in rupees and naye paise[a]. In other cases the Additional District Magistrate should report the matter to the subordinate judge, or, if there is no subordinate judge in the district, to the District Judge, who will issue orders under clause 7 of section 16 of Regulation III of 1802. If claims to the property are subsequently advanced before the subordinate judge or the District Judge, the Additional District Magistrate should arrange for the case being watched and the interests of Government represented in the court if there is reason to believe that the claims are unfounded. If the Additional District Magistrate has reason to believe that personal property left by heirless intestates has been taken possession of by persons who have no valid claim to it, he should institute a suit for its recovery as contemplated by clause 4 of section 16 of Regulation III of 1802.

B.P. 175, d. 26-6-07.	G.O. 1375, d. 11-6-15.
[a] G.O. Mis. 26, Rev., d. 5-1-27.	[a] B.P. Mis. 108, d. 10-1-27.
[c] B.P. 190, d. 28-2-88.	B.P. 257, d, 1-9-15.
G.O. Ms. 3727, Rev., d. 4-10-56.	B.P. Mis. 1685, d. 30-11-56.

(ii) *By European British subjects.*—Property left by European British subjects, and other persons to whom the provisions of the Indian Succession Act apply, is taken charge of by the Administrator-General.

(iii) *In the City of Madras.*—In the City of Madras the movable property of persons dying intestate, if of value not exceeding Rs. 200, is taken charge of by the police, and delivered, under the orders of the Commissioner of Police, to persons who establish their claims. [b] In cases where the value of the property exceeds Rs. 200, the Administrator-General should take charge and dispose of it as laid down in the Administrator-General's Act III of 1913 [b].

B.P. 2278, d. 6-8-85.	B.P. 935, d. 16-4-86.
[b] G.O. Mis. 1096, Rev., d. 5-6-29.	[b] B.P. Mis. 1664, d. 12-6-29.
G.O. Ms. 3727, Rev., d. 4-10-56.	B.P. Ms. 1685, d. 30-11-56.

2. *Unclaimed articles found on roads, etc.*—Articles found in a public place the owners of which are not known are the property of the finder as against every one except the true owner. If the finder so desires, he may hand over any articles so found to the police, who will retain the same in their custody, and will at once report the facts to the Additional District Magistrate. A notice should then be published in the district gazette inviting claimants to prefer their claims within three months. If no claims are preferred, the articles should be returned to the finder. If on the other hand a claim is preferred and is not contested, the articles

should be handed over to the claimant. In the case of a contested claim, the parties should be referred to the civil court and the Additional District Magistrate will be guided by the orders of the court.

G.O. 1141, d. 18-4-12.

G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

SECTION II.—ESCHEATS OF REAL PROPERTY.

3. *Powers of the Board and Collectors.*—[a] Under the provisions of sections 6, 7 and 8 of Regulation VII of 1817, the Board of Revenue is vested with the general superintendence of all escheats of real property to Government and is required to fully inform itself through " local agents " of any property of that description, and to report to Government whether such property should, in its opinion, be sold on the public account, or in what other manner it should be disposed of. [a] [b]All escheats, irrespective of their value, can be disposed of by the State Government.[b] [c] Where, however, the value of the property does not exceed Rs. 10,000, the Board can dispose of cases of escheat without reference to Government.[c] [d] Collectors of districts have power to dispose of cases of escheat of real property under section 6 of the Regulation, if the value does not exceed Rs. 1,000, subject to the proviso, that, if the Collector thinks it necessary to institute a suit to obtain possession of the property claimed as escheat, he should report the case for the orders of the Board of Revenue.[d]

[d] G.O. Ms. 2092, Rev., d. 21-9-21. [d] B.P. 34, d. 21-6-21.
[a] B.P. 2278, d. 6-8-85. [d] B.P. 69, d. 29-9-21.
[c] G.O. 1375, d. 11-6-15. [b] G.O. 2486, d. 15-8-11.
G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

4. *What the power to dispose of escheats includes.*—The power to dispose of escheats includes (*a*) the power to decide whether the State's claim should be asserted and the property taken into custody; (*b*) the power to make equitable dispositions of property to which there are no legal heirs and (*c*) the power to take charge of property to which the State's claim has been asserted, to arrange for its management during the time when the State's claim can be contested, to surrender it if private claims are established during that period, and finally to dispose of it at the end of that period.

G.O. 1375, d. 11-6-15.

5. *Assertion of the State's claim and taking charge of the property.*—The Collector is the ex-officio local agent of the Board. If it comes to his notice that any real property is *prima facie* liable to escheat, he should at once publish a notice in the district gazette inviting claimants to prefer their claims to it within six months from a specified date. If any claims are put in, he should investigate them, and finally on the expiration of the full time, and after the completion of the investigation of all claims that may have been put in, he should, if the value of the property exceeds his power of disposal, report the circumstances of the case for the orders of the

Board as to whether the property may be declared escheat, and whether, in the event of possession thereof not being peacefully surrendered to Government, a suit may be filed to establish the right of the Government thereto. If the property is not in the possession of anybody or the party in possession does not offer any opposition to that course, the Collector should take possssion of it as soon as the case comes to his notice. But if there is opposition, and there is no risk of the property being damaged, by the delay in taking possession thereof and arranging for its care and maintenance, the party may be left in possession until the question is finally settled in the usual course. If there is risk of damage, the orders of the Board should be sought as to the advisability of filing a suit at once to establish the right of Government on the evidence already available. Reports to the Board regarding real property liable to escheat should be submitted in the form given in Appendix I.

B.P. 12, d. 20-1-04. B.P. 328, d. 23-12-05.

When it is decided that the real properties of a person dying without heirs should be escheated to Government, a formal declaration that the properties are escheats should be made. On such declaration a notification in the *Fort St. George Gazette* and an advertisement in the local newspapers of the districts where the properties are situate should be published and an announcement of the declaration by tom-tom should be made in the villages in which the properties lie.

G.O. Ms. 52, Home, d. 5-1-44. G.O. Ms. 1532, Home, d. 15-5-44.
B.P. Press 28, d. 15-9-44.

6. *Equitable disposition of property to which there are no legal heirs—* (*a*) *When the Indian Succession Act applies.*—When illegitimate persons governed by the Indian Succession Act, 1865, die intestate, and their effects escheat to Government in consequence of the absence of the legitimate kindred, the residue of such effects after deducting therefrom the expenses incurred and the Government's share is granted to persons who but for illegitimacy would have a claim thereto according to the Act. The Government's share is calculated according to the following scale :—

One-eighth when the residue amounts to less than Rs. 5,000.
One-sixth when the residue is between Rs. 5,000 and Rs. 10,000.
One-fifth when the residue is between Rs. 10,000 and Rs. 50,000.
One-fourth when the residue is between Rs. 50,000 and Rs. 1,00,000.
One-third when the residue is Rs. 1,00,000 and upwards.

B.P. 2278, d. 6-8-85. B.P. 342, d. 15-12-98.
G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

Notes.—(1) In special cases in which the deceased may have left an invalid testamentary document clearly indicating his intentions, consideration should be given to the same.

(2) In case the father of an illegitimate person has not fulfilled the duties of a parent the rule derived from the Act should be departed from and preference given to the mother or her relations.

B.P. 2278, d. 6-8-85.

(*b*) *When the Indian Succession Act does not apply.*—The Government of India have ruled that when estates belonging to Hindus, Muhammadans or others to whom the Indian Succession Act does not apply

escheat to the State, the State Government should deal in a liberal spirit with the claim of those who but for the fact of illegitimacy would be entitled to succeed, or who, for any reason, have a moral, though not a legal claim to consideration.

B.P. 2278, d. 6-8-85. B.P. 288, d. 2-12-01.
G.O. Ms. 3727, Rev., d. 4-10-1956. B.P. Mis. 1685, d. 30-11-56.

(c) *Under the Marumakkattayam*[a] *or the Aliyasantana*[a] *Law*.—In all cases of escheats of property subject to the Marumakkattayam[a] or the Aliyasantana[a] Law arising from the absence of legal heirs, the property may be made over to natural heirs. In estimating the value of the property, the net value after deducting the debts and funeral expenses of the deceased owner should be adopted.

B.P. 2278, d. 6-8-85. B.P. 374, d. 27-6-90.
[a] G.O. 827, Confdl., d. 10-8-92. [a] B.P. 445, Confdl., d. 19-8-92.

7. *Final disposal of escheats of real property*.—Real property which has escheated to Government should not ordinarily be disposed of until it has been twelve years in the possession of the Government, i.e., until all rights of action against Government have abated.

At the end of this period, it may be disposed of in accordance with the darkhast rules in Board's Standing Order No. 15 as modified by G.O. No. 1523, Revenue, dated 11th June 1949 and subsequent orders, if any.

B.P. 2278, d. 6-8-85.
G.O. Ms. 2664, Rev., d. 4-10-50. B.P. Press 10, d. 5-3-51.

Note.—Where " muli " right alone has been sold, the order of assignment should be drafted in the form of certificate issued when land is sold for arrears of land revenue, printed as Form No. 8 in Appendix II to Chapter II to Board's Standing Order, Volume II, with the following alterations :—

(i) The words " the muli right in " should be inserted before the words " the undermentioned immovable property ",

(ii) the words " which right escheated to the Government on the death of " should be substituted for the words " sold for the arrears of revenue due by, " and

(iii) the concluding words of the certificate beginning with the words " and that the lands " should be omitted.

B.P. Mis. 2021 (S), d. 9-12-42. G.O. Ms. 2675, Rev., d. 30-11-42.
B.P. Press 9 (S), d. 19-2-43.
G.O. Ms. 3727, Rev., d. 4-10-56.

SECTION III.—MISCELLANEOUS.

8. *Claims to wrecks and to treasure trove*.—Claims to wrecks recovered from the sea are dealt with under section 14 of the Indian Ports Act XV of 1908 and sections 272 to 279—Part VII of the Indian Merchants Shipping Act XXI of 1923 and claims to treasure trove under Act VI of 1878 and the rules given in Appendix II.

G.O. Ms. 3727, Rev., d. 4-10-1956.
B.P. 2278, d. 6-8-85. G.O. No. 604, Public, d. 26-7-07.
B.P. 231, d. 17-8-07. B.P. Mis. 1685, d. 30-11-56.

Notes.—(1) Whenever a notification under clause (*a*) of section 5 of the Indian Treasure Trove Act is published, the Collector shall promptly forward a copy of such notification together with a detailed descriptive list of the objects found, to the Superintendent, Government Museum, Madras. If so required by the Superintendent, the Collector shall forward the objects to him in case they are in deposit in the treasury.

If the founder has retained them after giving security, the Collector shall inform the Superintendent that he may inspect and examine them when they are produced at the enquiry under section 7 of the Act.

G.O. 4072, Law (Genl.), d. 20-12-27. B.P. Mis. 492, d. 9-2-28.

(2) In cases where owing to the failure of the finder of treasure to give the notice prescribed in the Treasure Trove Act, 1876, the share to which he would otherwise be entitled becomes absolutely vested in Government under section 20 of the Act, and the total value of the treasure found does not exceed Rs. 200, the Board is empowered to return to the finder either half of the property so vested or half of its value if it is satified that the failure on the part of the finder was due to ignorance.

G.O. Mis. 830, d. 8-4-20. B.P. 35, d. 16-4-20.

(3) The Collectors of the districts should send their references under Rule 3 of the Rules framed under the Indian Treasure Trove Act in duplicate to the Superintendent Government Museum, Madras, so as to enable him to send one copy of the report to the Superintendent, Department of Archæology, Southern Circle, Madras, when consulting him under rule 4.

G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

9. *Sale of immovable property attached by criminal courts.*—When immovable property paying revenue to Government is attached under section 88 of the Code of Criminal Procedure (Act V of 1898), it must be taken charge of by the Collector and sold under the orders of the court at whose instance the attachment was made.

10. *Immovable property forfeited under the Penal Code.*—When immovable property has escheated to Government under the Penal Code or other laws, it should not be alienated by Government officers except in accordance with the rules prescribed for the alienation of Government lands.

11. *Rewards to informers.*—When property which should properly have escheated to Government is illegally appropriated, and information thereof is given by a private individual,[a] a reward not exceeding 10 per cent of the [a] value of the escheat may be given to the informant. Such cases, however, must be reported for the orders of Government.

B.P. 2278, d. 6-8-85. [a] B.P. 101, d. 21-5-08.

198. Managed estates—*Report by Collector.*—When an estate is placed under the management of a Collector by order of a civil court, the fact should be reported by him to the Board.

B.P., d. 6-1-1831 (M., Vol. I, p. 112).

2. *Appointment of manager.*—The proprietor himself or one of his relatives, whenever a competent person can be selected from among them, may, with the court's permission be appointed as manager of the sequestered estate. The direction of affairs will thus be left in the hands of persons who have an interest in the resources of the estate, instead of in those of a stranger.

3. *Removal of manager.*—It will be competent for the Collector to remove the manager at any time if his conduct or management should prove unsatisfactory.

B.P., d. 1-8-1836 (M., Vol. I, p. 220). B.P., d, 20-5-1839 (M., Vol. I, p.263).

4. *Surplus funds.*—The surplus funds, if any, of estates placed under the management of the Collector should be invested each year in Government securities.

B.P., d. 16-7-1829 (M.,Vol. I, p. 88). B.P., d. 3-8-1829 (M., Vol. I, p. 96).

5. *Report on the management of estates.*—A report on the management of each estate should be submitted to the Board annually, and should be accompanied by a statement showing the amount of surplus funds in hand, the amount invested, and the balance.

B.P., d. 16-7-1829 (M., Vol. I, p. 88). B.P., d. 3-8-1829 (M., Vol. I, p. 96).

199. Registration of documents to which Government are a party.—[c]Where the registration of assurances to which Government are a party is optional and non-registration of such documents is likely to prejudice the interests of Government, registration should be the rule and not the exception [c] [a] and should be effected at the cost of Government [a]. When the Government have called upon any person to furnish security deposit money in a bank or treasury, the deposit should be in the name of the Collector of the district as such, and not in the name of the individual who may be in charge of the office of Collector at the time. [b]When real property is tendered by any person as security to Government, the security bonds should be duly registered under the provisions of the Indian Registration Act.[b]

B.P., 2754, d. 26-5-65.
[b] B.P., d. 7-7-1845 (M., Vol. I, p. 376).
[a] B.P. 80, Sett., d. 12-5-02.
[c] G.O. Mis. 926, Rev., d. 13-6-23.
[a] B P.. 124, d. 5-6-02.
[c] B.P., Mis. 1373, d. 19-6-23.
[a] B.P., 150, d. 1-7-02.
G.O. Ms. 2144, Rev. d. 1-6-56.
B.P. Mis., 1687, d. 30-11-56.

200. Process service—*Scale of fees leviable.*—[a] The scale of process-service fees given in Appendix III should be adopted in all revenue courts in dealing with cases arising under Madras Regulation IX of 1822 and [b] Act I of 1908,[b] whether the process is to be served within or beyond the jurisdiction of the court to which the application is made.[a] The scale of process-service fees to be levied under the Madras Hereditary Village Offices Act III of 1895 is given in Appendix IV to Chapter XII.

[a] B.P. 668, d. 25-11-91. [b] G.O. 2737, d. 18-8-10. [b] B.P. 240, d. 1-9-10.

2. *Form in which levied.*—The fees levied must be paid in court-fee labels of the proper amount to be affixed on the application. Such labels will be punched by the officer appointed to receive the application, who will endorse a note on the process that the proper fee has been levied. When the process has to be forwarded to any court in the Union of India subordinate to the High Court of Madras for execution, such subordinate court will accept the certificate endorsed on the process as sufficient proof that the proper fee for the issue thereof has been paid, and will serve the process accordingly through the proper officer, and return it to the court by which such process was transmitted.

B.P. 2146, d. 20-10-73. B.P. 1063, d. 7-5-74. B.P. 668, d. 25-11-91.
G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

3. *Appointment and payment of process-servers.*—[a] The salary of amins and process peons employed in revenue courts should be fixed in accordance with the scale given below; in exceptional cases, however, batta

may be given in addition to the salaries so fixed, with the previous sanction of the High Court—

Amins—
(1) Higher scale, Rs 23 per mensem.
(2) Lower scale, Rs. 21 per mensem.

Process peons—
(1) Higher scale Rs. 15 per mensem.
(2) Lower scale, Rs. 13·50 Nayepaise per mensem.

The higher scale will apply to men who have put in a continuous service of two years and more, and the lower scale to new recruits and casual employees. In the case of the latter class, the higher scale will begin to operate after two years' continuous service.[a] When service as process amin or process peon is interrupted by duty in a post of copyist or copies examiner, the intervening service should not be regarded as a breach of continuity for the purpose of counting the continuous period of two years and more to enable the process amins and peons to draw the higher scale of pay. When the interruption is by duty in a clerk's post the intervening service of the process amin or the process peon, when but for such appointment he would have continued as amin or peon, will in the same way not be regarded as a breach of continuity of service and will, in addition, be included in calculating the continuous period of two years referred to above.

[a] G.O. 512, Rev., d. 26–3–24. [a] B.P. Ms. 789, d. 1–4–24.
G.O. Ms. 1072, Rev., d. 26–5–44. B.P. 1755, Press, d. 7–10–44.
G.O. Ms. 112, Rev., d. 8–1–57. Govt. Memo. No. 3929-G/44-2, Rev., d. 16–8–44.

Persons who have put in continuous service for a period of two years and more should not be regarded as new recruits or casual employees. Such persons should be allowed the higher scale of pay on re-employment after a break in service.

G.O. Ms. 2421, Rev., d. 8–10–40; G.O. Ms. 2978, Rev., d. 2–12–40.
B.P. Press 25, d. 7–3–41. B.P. Mis. 3538, d. 18–9–35.

[b]Deputy tahsildars in independent charge of sub-taluks have been empowered to exercise the powers of appointment, removal and grant of leave in respect of the special process-servers entertained in their offices under Madras [c] Act I of 1908.[c][b]

[b] B.P. 228, d. 31–10–00. [c] G.O. 2737, d 18–8–10.
[c] B.P. 240, d. 1–9–10.

4. *Changes in establishment.*—The District Collector may employ process amins and peons required for his own office and for offices subordinate to him on his own authority subject to the following conditions :—

(*a*) that the cost of the establishment is covered by the amount of the fees levied on process served and executed ;

(*b*) that there is budget provision to meet the cost ;

(*c*) [a] that the rate of pay of amins employed as process-servers and of process peons similarly employed should be fixed in accordance with the scale laid down in paragraph 3 above ; and[a]

(*d*) that a report in the form given in Appendix IV should be submitted annually by the Collector to the Board of Revenue.

Collectors have also power to alter from time to time the scale of establishment fixed for each office and to transfer process-servers and amins from one office to another within their jurisdiction as experience may dictate; and when convenience requires that processes issued by one officer should be served by the process-servers attached to another, they may be served accordingly.

G.O. 1163, Rev., d. 21-5-20.
B.P. 58, d. 7-7-20.
[a] G.O. 512, Rev., d. 26-3-24.
G.O. Mis. 2492, Rev., d. 18-10-20.
B.P. 86, d. 27-10-20.
[a] B.P. Mis. 789, d. 1-4-24.

5. [a]*Process in miscellaneous revenue inquiries.*—The forms of summons to be used by revenue officers under Act III of 1869 in the discharge of their ordinary revenue duties, but not as revenue courts, are given in Appendix V.[a] [b]As a rule, no process fees should be collected from parties appearing before revenue officers in connexion with cases of darkhasts, transfers of registry and miscellaneous revenue inquiries, such as settling disputes connected with land. The processes in such cases should be served through Government peons and the village establishment; but if in any particular taluk the work is heavy and the employment of batta peons for serving processes is necessary, Collectors may apply to the Board for sanction for entertaining batta peons as a special case.[b] [c]The establishment so entertained should, however, be treated as temporary, service in it not being pensionable and should be paid out of fees to be collected in cash according to a scale which will be laid down when sanction is accorded for their collection, such fees being levied from parties on whose application and in whose interests the processes are issued. But where processes are issued by officers of their own motion, no fees should be collected.[c]

[a] B.P. 6075, d. 16-8-69.
[a] B.P. 682, d. 26-3-74.
[a] B.P. 668, d. 25-11-91.
[b] B.P. 899, d. 12-4-75.
[c] B.P. 5944, d. 9-3-86.
[c] B.P. 682, d. 26-3-74.
[c] B.P. 280, d. 23-7-96.
[c] B.P. 209, d. 23-6-97.

6. *Fees, etc., leviable for purposes of Act I of* 1908.—The fees, costs and charges to be levied for purposes of Act I of 1908 (except for processes issued by revenue officers acting as revenue courts) are given in Appendix VI.

G.O. 2737, d. 18-8-10.
B.P. 240, d. 1-9-10.

7. *Refund of excess process fees.*—Fees deposited in excess of the requirement, or those which become unnecessary after deposit, should be refunded to the proper parties. The refund can be made in money, the sum being debited to Contingencies.

G.O. 292, d. 28-2-76.
B.P. 2277, d. 14-8-78.

201. Changes in village, taluk or district limits.—[a]Though petty cases of transfers of land from one village to another in the same taluk may be disposed of by the Settlement Department and the Collector, the sanction of the Board should be obtained when extensive transfers are to be made.[a] [b]The sanction of Government is required in the case of transfers

from one taluk to another as well as those between districts[b] ; [c]in all such cases the Collector should notify the proposals beforehand in the district gazette and submit an abstract of objection, if any, received.[c]

[a] B.P. 1309, d. 2-3-64. [a] G.O. 71, d. 1-2-86.
[b] G.O. 157, d. 26-2-86. [c] B.P. Mis. 2026, d. 8-9-26.
[c] G.O. Mis. 1456, d. 2-9-26.

202. Preservation of the Great Trigonometrical Survey stations and bench-marks—*Maintenance.*—[a]It is the duty of taluk and village officers to preserve from encroachment or destruction all Great Trigonometrical Survey stations except those situated within reserved forests. The bench-marks as well as the spirit-levelled bench-marks of the Survey of India will be maintained and preserved by the Public Works Department. Great Trigonometrical stations situated within reserved forests should be maintained by the Forest department ; that department will not however be responsible for the maintenance of such stations as lie within areas which have been disafforested or in forests which are under panchayat management. In these cases, the Great Trigonometrical stations will be attended to by the Revenue Department. A notice in English and the regional language of the district should be given to officers in-charge of Great Trigonometrical Survey stations and bench-marks to be shown to persons who may seek to remove the stones or in any way injure the stations. Mischief of this nature is punishable under section 434 of the Indian Penal Code, and Collectors should give wide publicity to this fact.

[a] B.P. 174, Sett., d. 23-10-19. B.P. 7005, d. 1-11-65.
G.O. Ms. 2144, Rev., d. 1-6-56. B.P. Mis. 1687, d. 30-11-56.
B.P. Press, 95, d. 25-9-40.

2. *Expenditure.*—[b]District forest officers,[b] [a]tahsildars and deputy tahsildars in independent charge[a] are authorized to expend for the protection of each survey station (not being a bench-mark) a sum not exceeding on an average Rs. 4 a year ; outlay in excess of this amount should not be incurred without the special authority of the [c]Director, Geodetic Branch, Survey of India.[c] Payment should be made on a receipted bill, accompanied by a separate receipt ; the bill should be sent by the treasury officer immediately after payment to the Superintendent of the Surveys who will countersign and transmit it to the Comptroller-General ; the separate receipt will support the charge in the district accounts.

B.P. 5494, d. 29-8-70. [a] G.O. 3318, d. 7-12-08.
B.P. 420, d. 25-3-80. [b] B.P. 174, Sett. d. 23-10-19.
B.P. 216, d. 12-9-99. [c] B.P. Mis. 1788, d. 31-7-24.
G.O. Ms. 2144, Rev., d. 1-6-56. B.P. Mis. 1687, d. 30-11-56.

3. *Correspondence.*—Collectors should correspond direct with the [a]Director, Geodetic Branch, Survey of India[a] on all matters connected with Great Trigonometrical Survey stations and should furnish that officer with such reports as he may call for.

B.P. 2429, d. 28-8-74. [a] B.P.Mis. 1788, d. 31-7-24.
B.P. 95, Press, d. 25-9-40.

4. *List of stations.*—A list of the principal Great Trigonometrical Survey stations in each district with their latitudes and longitudes is given in B.P. No. 1706, dated 28th July 1886. A list of the Great Trigonometrical survey bench-marks in the Madras State which are placed

in charge of the Public Works Department is appended to G.O. No. 711-I., Public Works and Labour, dated 18th March 1936, as amended by G.O. Ms. No. 1185, Public Works (Irrigation), dated 14th June 1938. The new series of pamphlets of spirit-levelled heights entitled " Levelling of Precision-Heights of Bench-Marks, " published by the Trigonometrical Survey Department, give the descriptions and heights of the bench-marks. These pamphlets supersede the list of bench-marks issued by the Board of Revenue except for completed Tank Restoration Scheme works.[a] [b]The officers of the Forest[c] and the Public Works Departments[c] who are entrusted with the duty of preserving Great Trigonometrical Survey stations and bench-marks should submit to the Collectors concerned by 1st [d]January[d] of each year an annual report for the previous calendar[d] year on the condition of the stations and marks in their charge. The officers of the Revenue Department shall submit similar reports in respect of the Great Trigonometrical Survey stations in their charge to Collectors who will incorporate the whole information in their reports on the administration of revenue records and registration.[b]

B.P. 127, d. 21-5-87.
B.P. 521, d. 5-9-87.
B.P. 195, d. 14-4-90.
[a]B.P. 289, Sett., d. 17-12-17.
[b]B.P. 174, Sett. d. 23-10-19.
[b]B.P. 169, Sett. d. 28-10-20
[b]G.O. Mis. 3001, Rev., d. 16-12-20.
G.O. 50-W., d. 8-1-18.
B.P. 12, Sett. d. 16-1-20.
B.P. 1897, d. 24-8-86.
B.P. 457, d. 15-8-87.
B.P. 159, d. 20-2-88.
B.P. 369, d. 12-10-08.
[b]B.P. 35, d. 24-4-22.
[d]B.P. 62, Sett., d., 9-5-21.
[c]B.P. 34, d. 24-4-22.
B.P. 169, Sett., d. 28-10-20.
B.P. 95, Press,d. 25-9-40.

Note.—A bench-mark is one of a number of marks placed by the Trigonometrical Branch of the Survey of India Party along a line of survey indicating a series of levels at different elevations, and the height above mean sea level of different localities. The bench marks are of two kinds—

(*a*) Embedded bench-marks, and

(*b*) Inscribed bench-marks.

Embedded marks are stones usually 16 by 12 by 5 inches which have been built into a block of masonry about 3 to 4 feet cube and have, as a rule, been laid down in the vicinity of a masonry building such as a temple, etc. As the whole block is covered with earth, the letters B.M. have been cut somewhere in the building close to the bench-mark or immediately opposite to it so as to facilitate identification. Stone slabs about 1 foot square have also been built into the parapet walls of bridges or verandah floors of travellers' bungalow and other public buildings.

Inscribed marks are points on rocks *in situ*, coping stones of bridges, or of railway platforms or other prominent land marks. The letters G.T.S.B.M. or simply B.M. and a small circle have been well cut into the stones at such places. Inscribed marks found cut on tops of milestones may be disregarded. Embedded marks are noted in the list as $\frac{\text{G.T.S.}}{\text{B.M.}}$. They require special attention.

G.O. 378, d. 11-2-09. B.P. 108, Sett. d. 13-3-09.

202-A. Survey of proprietary estates.—In order to give wide publicity to the provisions of the Madras Survey and Boundaries Act (VIII of 1923) so far as they relate to the survey of proprietary estates, Collectors should send copies of the Act in English or the appropriate regional language to proprietors and they as well as the divisional officers, should make a point of explaining to proprietors in person, whenever opportunity occurs, the advantages resulting from a survey of their estates. When a proprietor submits an application for the survey of his estate,

the Collector should forward the application at once through the Board for the sanction of Government. Sanctioned Surveys will be undertaken as and when funds are made available for the purpose.

G.O. 831, d. 10-9-1901. B.P. 223, d. 17-9-01.
B.P. Mis. 1687, d. 30-11-56.

203. [*Deleted.*]

G.O. Ms. 4096, Rev., d. 7-11-56. B.P. Mis. 1588, d. 15-11-56.

204. Weights and measures—

SECTION I.—GENERAL.

1. *Object of stamping.*—The object of stamping weights and measures should be to induce the recognition of the established standards, and without interfering with the use of locally established weights and measures, to test them and to record on them their values according to recognized standards. It will be very generally found that weights and measures which do not correspond in name with any recognized standard are really multiples or fractions of some such standard.

B.P., d. 4-7-50 (M., Vol. I, p. 533).

2. *Weights and measures which may be stamped.*—[a]Metallic measures alone should be stamped[a] and [b]every endeavour should be made to induce merchants and others to adopt metallic measures.[b] [c]Weights and measures which do not conform to the recognized standards should not be tested or stamped by the stamping establishments[c] nor [d]should jewellers' weights be tested or stamped[d]. The weights stamped by the Market Committees under the Madras Commercial Crops Market Act, 1933 (Madras Act XX of 1933), for use in markets under their control, need not be tested or stamped by the Stamping establishments of the Revenue Department as they are statutory rules under that Act empowering the Committees to check the weights and take appropriate penal action in cases where incorrect or false weights are used. [e]Adjustments with lead may however be allowed in the case of ¼ maund, ½ maund and maund weights so as to make them conform to the recognised standards. Such adjustments may be allowed even when the weights differ appreciably from the standard. In the case of smaller weights adjustment with lead may be allowed only if the difference does not exceed six times the prescribed error in deficiency given in Appendix VIII. Weights in the case of which the difference exceeds the above limit should be rejected unless a piece of the same metal is soldered to the weight to make up the deficiency[e].

[f]English weights of 1 lb. avoirdupois and the multiples and submultiples thereof used in cotton and ginning and pressing factories may be stamped provided :

(*a*) that each such weight does not deviate from the standard weight beyond the margin of error allowed in Appendix VIII.

(*b*) that it does not facilitate the perpetration of fraud ;

Example.—A weight which has a removable or split ring shall be deemed to facilitate the perpetration of fraud.

(*c*) that it has the denomination of the weight clearly and indelibly marked on it;

G.O. Ms. 2632, Dev., d. 17-6-47.
G.O. 1352, Dev., d. 24-9-34.
B.P. 144, d. 9-10-34.
B.P. Press 20-A, d. 25-7-47.
B.P. 161, d. 8-11-34.

(*d*) that it is free from flaws and is smooth in all its surfaces; and

(*e*) that it is provided with one adjusting hole in its under surface. The adjusting hole shall not extend to the upper surface of the weight and shall be undercut so that the lead adjustment is not removable [f]

[a] G.O. 1003, d. 2-4-12.
[b] B.P. Mis. 3299, Sett. d. 2-7-96.
[c] G.O. 600, d. 11-7-02.
[c] G.O. 80, d. 21-1-04.
[c] G.O. 3294, d. 4-11-11.
[d] B.P. 152, Sett., d. 31-7-02.
G.O. 1712, d. 8-6-12.
[e] G.O. Mis. 1766, Dev., d. 3-11-27.
[f] G.O. Mis. 992, Dev., d. 8-6-28.
[e] B.P. Mis. 3547, d. 25-11-27.
B.P. Mis. 1944, d. 18-6-28.

3. *Fees for stamping.*—[a]The weights and measures of shopkeepers and bazaarmen will be stamped [ab]by special establishments.[b] The scale of fees prescribed for stamping weights and measures is shown in Appendix VII,[c] but Collectors can, with the previous sanction of the Board, alter the rates from time to time.[c] [d]The scale should be so regulated that the fees realized are just sufficient to meet the cost of the establishments necessary for stamping purposes.[d] [e]Any[g] surplus which may be found to exist after paying all the charges for a year[g] should be credited absolutely to Government and should not be utilized for the next year's expenditure. The establishment and other charges of each year should be so fixed as not to exceed the receipts of that year;[e] [f]if in spite of this precaution, there is likely to be a deficit at the end of a year, application for a special allotment should be made to the Board.[f]

[a] B.P. d. 20-10-57 (M. Vol. III, p. 75 of 1857).
[b] B.P. 3242, d. 1-6-63.
[c] B.P. 2453, d. 11-11-66.
[d] B.P. 976, d. 23-3-85.
[e] B.P. 1429, d. 29-9-80.
[f] B.P. 375, Sett. d. 12-10-06.
[g] G.O. 50, Rev., d. 6-1-13.
[g] B.P. 22, Sett., d. 23-1-13.

Note.—In conducting the actual operation of testing, the stamping establishment should carry out free of extra charge any slight adjustment that may be found necessary to make the weights and measures perfectly accurate.

G.O. 1164, d. 21-10-84.
B.P. 147, Sett., d. 16-6-87.
B.P. 69, Sett., d. 12-5-87.

Printed receipts in R.F. XXII-P-13 should be granted by the stamping establishments for the fees received from the parties. The signatures of the parties should be obtained on the reverse of the counterfoils.

B.P. Press, 106, d. 14-10-40.

Leave Rules for the Stamping Establishment.—(1) The rules are applicable to the stamping smith clerks.

(2) The smith clerks will be granted a month's leave in a year after a continuous active service of 12 months but it cannot be claimed as a matter of right; the leave will not accrue and will lapse with the official year.

(3) A leave allowance not exceeding a month's pay will be paid subject to the following conditions :—

(*a*) For earning leave allowance, the smith clerk should show an annual receipt not less than the amount required for the payment of 13 months' pay.

(*b*) The leave allowance so paid shall be deducted from the profits earned in a year and the bonus calculated only on the balance.

(*c*) The leave allowance equal to one month's pay will be paid to the smith clerk in the usual course in the first instance. However, if in the month of March following, the total receipts (during the official year up to the end of February) fall short of 12 months' pay the pay for the month of February payable in March will be withheld. In the next month, he will be paid the pay for March and also the amount which will be in excess of 12 months' pay in the annual receipts subject to a maximum of a month's pay.

(*d*) The substitute appointed during the leave period will get his proportionate bonus on the receipts earned by him only when the total receipts of the year exceed 13 months' pay of the smith clerk.

G.O. Ms. 991, Dev., d. 7-3-44.

SECTION II.—[b] TESTING OF WEIGHTS, BALANCES AND PLATFORM WEIGHING MACHINES.[b]

4. *Verification of weights.*—The maund weight received for verification should be examined thus : place the standard maund weight in the right-hand scale and exactly counterbalance it ; then take it out and put in its place the weight to be verified. If the beam shows an equipoise, the weight is correct. It is of no consequence whether the arms of the beam be equal or not, or in other words, whether the scales are or are not correct. [b] Appendix IX gives the errors in excess permissible when weights are tested and stamped. The error in deficiency that shall be permissible is half the error in excess.

Note.—The errors noted in respect of imperial avoirdupois and Indian maund weights refer to the trades dealing with costlier commodities such as non-ferrous metals, paints and articles of food, the permissible errors for the other trades being three times those given in the table.[b]

5. *Trueness of a balance.*—To ascertain if the balance is true, observe that its beam remains horizontal when there are no weights in the scale-pans. Next, put a standard maund weight into the right-hand scale and exactly counterbalance it in the left-hand scale by sand or shot. Then, take the maund weight out and put in other weights into the right-hand scale until equipoise is produced. It is now evident that the two weights successively weighed in the right-hand scale are, equal to one another. Remove the sand or shot from the left-hand scale and put therein the standard maund weight taken out of the right-hand scale. If the beam shows exact equipoise, the balance is true. If not, the beam or scales can only be adjusted by some competent workman. Similar tests hold good

with reference to all other balances, large or small[a]. [b]The sensitiveness and the accuracy of any beam scale or balance depends on its type and the skill and care used in its construction. The sensitiveness and error allowed in the case of the different types of balances are shown in Appendix X.

Note.—Balances are divided into three classes, viz., class A, class B and class C. Class A includes only chemical and assay balances and other beam scales provided with means for relieving all the bearings and knife edges and shall satisfy the requirements of class A instruments in Appendix X. Balances used in trades dealing with costlier commodities referred to in the note to paragraph 4 shall satisfy the requirements of class B instruments in Appendix X. All other balances shall satisfy the requirements of class C instruments in Appendix X.

6. *Instructions for the testing and verification of platform weighing machines.*—The steel yard of a machine shall not involve any readily removable parts, except the support for the counterpoises. There shall be a stop or stops to prevent the sliding poise or poises from travelling behind the zero mark. The steel yard or registering mechanism may be confined in a locked box or case provided that the indications or graduations are visible. The minimum travel of the steel yard in platform machines shall be $\frac{3}{8}$ inch both ways for vibrating machines, and $\frac{5}{8}$ inch one way for accelerating machines. If a movable hutch, barrow, frame, or bucket is used instead of the ordinary platform, it shall form an essential part of the machine, without which it cannot be balanced. All counterpoises for use in connexion with movable hutches, etc., shall be tested. All loose counterpoises shall be identified with the machine by a number or other sufficient mark of identification, which shall be indelible. They shall be marked with their equivalent weights in the following manner, e.g., 1 cwt:—

Sensitiveness and error.—The balancing arrangements for daily wear and tear shall have a range not exceeding $\frac{1}{2}$ per cent of the capacity of machine and not less than $\frac{1}{8}$ per cent each way. In a new machine it shall be securely attached and actuated by a detachable key.

Platform machines with dials.—Racks and pinions shall be of hard metal. The extremity of the index shall in no position be at a greater distance from the graduated surface of the dial than, $\frac{3}{16}$ inch and shall be made to meet but not obscure the graduation marks.

The error permissible on the verification of platform machines are shown in Appendix X. The tests for senstiveness and error are to be made at full load or as near thereto as circumstances will permit.[b]

[a] G.O. 3148, Rev., d. 31-10-13. [a] B.P. 316, Sett., d. 20-11-13.
[b] G.O. Press, 1834, Dev., d. 10-11-27. [b] B.P. 90, d. 25-11-27.

SECTION III.—TESTING OF GRAIN AND LIQUID MEASURES.

7. *Diameter of grain measures.*—When a grain measure is received for being stamped, the first thing to be done is to measure the diameter carefully. If the diameter of the measure is exactly the same as that of the

standard measure, the measure may be accepted for testing. If not, the measure should be rejected.

B.P 51, d. 15-1-73.
B.P. 82, d. 11-1-78.
B.P. 930, d. 9-7-80.
B.P. 111, Sett., d. 1-6-87.
B.P. 33, Sett., d. 25-1-88.
B.P. 213, Sett., d. 14-5-88.

Note.—If a measure is not quite round, a mean between the longest and shortest diameters should be taken.

B.P. 51, d. 15-1-73.

Illustration.—A local measure of Tiruvallur taluk in Chingleput district is brought to be stamped. According to the table in Appendix XI, the diameter of the standard measure of that locality is [a]4½ [a] inches. The diameter of the measure brought to be stamped should be examined to see whether it is also 4½ inches. If the diameter is correct, the measure may be accepted. If not, it should be rejected.

[a] B.P. 298, Sett., d. 17-8-09. G.O. Ms. 2945, Rev., d. 26-7-56.

8. *Method of test employed.*—The only system of test to be employed in testing measures brought to be stamped is that by volume of water, for the proper performance of which the stamping officer is provided with either a specially constructed set of standardized testing vessels or with two test glasses, a twenty-ounce glass equivalent to a quart and a five-ounce glass graduated to fourths of an ounce. This test is very trustworthy and easily applied.

B.P. 51, d. 15-1-73.
B.P. 930, d. 9-7-80.
B.P. 501, Sett., d. 10-12-87.
B.P. 375, Sett., d. 31-7-88.

Note.—Testing by grain was discontinued under G.O. No. 217, dated 12th February 1884.

9. *Preliminaries to testing.*—The following preliminaries must be attended to before the actual process of testing can be commenced. The best drinking water available should be obtained, as it is the clearest. [a] The measure to be tested should be well washed out, and if it is found to be leaky, the leaks should be caulked on the outside only with pitch or sealing wax.[a]

B.P. 51, d. 15-1-73. [a] G.O. 1712, d. 8-6-12.

10. *Process of testing.*—The test should then be applied in the following manner : the rim of the measure should be moistened, as otherwise water may stand without spilling quite a sixteenth of an inch above it ; and in a measure of 5 inches diameter this will represent 1·39 tolas of rice. The measure should then be filled with water. This is done by pouring water into it from the test glass, either the large 20 oz. glass or the small 5 oz. one or both being used according to the size of the measure under examination. In pouring water from the test glass into the measure, care should be taken to prevent the water from overtopping the rim of the measure. The surface of the water must be exactly level with the rim. From the number of times water was poured into the measure from the test glasses and from the quantity remaining in them, it can be ascertained how many ounces of water have been used to fill the measure. The quantity of water

if any, found to have been spilt should be deducted from the total quantity poured out from the test glass. If it be found impossible to staunch a leaky measure, reliable results may be obtained by catching the water which escapes by leakage, measuring it, and deducting the quantity from that poured into the measure from the test glass. The remainder represents the exact capacity of the measure in ounces of water. If this is equal to the capacity of the standard measure given in column (4) of the table in Appendix XI[a] or in the case of liquid measures the capacity of the standard measure fixed by the collector, [a] the measure may be taken to be correct and stamped accordingly; otherwise it should be rejected. [b]Standard measures themselves should on no account be used in the application of the test as it is almost impossible to pour out the liquid from such measures filled to the brim without spilling. If, however, special vessels of standard capacities are made with a narrow neck and broad lip for pouring, similar in shape to the gallon pot used in the Excise department, and standardized to fluid ounces, there is no objection to such measures being used for the purpose of testing. The use of ounce glasses will then be required only in the primary test of the capacity of such special measures.[b]

B.P. 51, d. 15-1-73. [a] B.P. 74, Sett., d. 24-4-96.
[b] B.P. 194, Sett., d. 11-8-96.

SECTION IV.—TESTING OF LINEAL MEASURES.

11. *Application of standard.*—Certified copies of the standard yard measures have been supplied under the Measures of Length Act (II of 1889, India) to each district in which stamping operations are carried on. Only those measures of length which agree with this standard should be stamped.

SECTION V.—PROCESS OF STAMPING.

12. *Impressions to be stamped.*—Weights and measures should be stamped with the following set of impressions :—

(1) The State Emblem.

(2) The denomination of the weight or measure in an abbreviated form in the regional language (e.g., M.M. for type Madras measure, S.M. for type seer measure, T. for tola, P. for palam, S. for seer, V. for viss, M. for maund).

(3) The initial letter or letters of the district where the number of stamping parties does not exceed one, and where the number of parties is more than one, the number of the party (I, II, III as the case may be) in addition. The initial letters to be adopted for each district are shown in Appendix XII.

(4) The year of stamping.

G.O. 1003, d. 2-4-12; G.O. 1712, d. 8-6-12.
G.O. Ms. 2945, Rev., d. 26-7-56; B.P. Mis. 1686, d. 30-11-56.

13. *Directions for stamping.*—The following are the directions for conducting the actual process of stamping weights and measures :—

(1) The large brass weights should be stamped on the top, close to the handle on either side ; the smaller weights on any part (the handles excepted) having sufficient even surface to receive the impression equally. Flat weights should be marked either on the top or underneath.

(2) Measures of iron, or other metal, should be stamped below the rim, to effect which it will be necessary to introduce the beak of an anvil, or beak iron, into the vessel (held horizontally for the purpose) ; the part to be marked should be held closely and firmly down on the beak by one person, whilst another applies the die on the upper surface, and a third party strikes steadily with a sledge, or heavy hammer, until the required impression has been produced.

(3) Measures may also be marked on the bottom by being inverted on an iron stake with flat top somewhat larger than the die.

(4) In applying the large die, whether on brass or on iron, the sledge hammer must be used ; for the small die the heavy hand-hammer will be sufficient.

(5) The operation will be best performed by a smith, hammerman, and bellows-boy ; but where there is an arsenal in the vicinity within moderate distance, the weights and measures should be sent there to be marked.

(6) For weights or measures of irregular shapes in use by bazaar-men and Indian merchants, no uniform system can be laid down ; but, as a general rule, they should be marked on a part on which the die can be applied equally.

(7) If there is a joining at the side of a measure, an impression should be made across it.

B.P., d. 3-7-51 (M., Vol. II, p. 28 of 1851).
G.O. 1003, d. 2-4-12 ; G.O. 1712, d. 8-6-12.

SECTION VI.—SUPERVISION AND REPORT.

14. *Supervision.*—The work of testing and stamping should be done invariably under proper official supervision. Collectors and divisional officers should inspect each party of stamping establishments as often as possible, and ascertain whether the men understand their work, and whether they levy any unauthorized fees from the merchants. They should also note their remarks in an inspection book.

15. *Annual Report.*—An annual return of stamping operations should be submitted by Collectors to the Board in the prescribed form on or before the 1st May of each year.

B.P. 78, Sett., d. 18-5-87.

SECTION VII.—CONVERSION TABLES.

16. *Conversion tables.*—(i) As all price lists for publication must be prepared in terms of the imperial maund of 3,200 tolas, a table has been framed for the conversion of the price recorded in naye-Paise per local measure throughout the State into rupees per imperial maund for the main foodgrains for which prices are recorded—Vide columns 7 to 17 of the Statement in Appendix XI.

B.P. 74, Press, d. 30-11-32.

(ii) The first column of the statement referred to shows the name of the stations from which returns are received ; the second column shows the name of the standard measure in use in different localities formed of groups of stations ; the third column shows in what way each standard measure is used, that is to say, whether it is used struck or fully heaped. Column 4 gives the capacity of the standard measures in fluid ounces either as ascertained after actual test or calculated from the figures in columns 5 and 6 with the help of the tables given in Appendices XIII and XIV. Column 5 gives the diameter fixed for the measure recognized as the standard at each station. Column 6 gives the normal total content as far as they can be ascertained, of the selected standard measures, used according to the local custom ; the contents being expressed in tolas weight of second-sort rice, otherwise called average rice. In arriving at the figures contained in column 6, the Board has taken into consideration not only a number of experimental measurements and weighments and the cubic capacity of the standard measures, but also certain data obtained by Mr. Bayley in 1852. Columns 7 to 17 give the price in rupees and decimals of a rupee per imperial maund if one naya-Paisa represents the price per local measure for the main foodgrains. The figures are worked out as shown in sub-paragraph (iv) below.

B.P. 74, Press, d. 30-11-32.

(iii) The process of calculating the figures in column 4 of the conversion table as mentioned above is as follows :—Deduct from the weight shown in column 6 the weight of the heap of rice given in Appendix XIII as being supported by the diameter shown in column 5. This will give the struck contents in average rice. Then applying to the result the equivalent of volume to the weight of rice given in Appendix XIV, the capacity of the standard measure in fluid ounces is determined. The above process should be reversed for calculating the rice contents of measures from their fluid contents.

(iv) The weight of the struck contents for any foodgrain other than rice will be the number of fluid ounces in column 4 of the conversion table multiplied by the ratio of volume to weight for that foodgrain as given in Appendix XIV. Add to this the weight of the heap for the particular diameter and foodgrain as given in Appendix XIII and the weight of the total contents for that foodgrain is obtained. Dividing the result by 80, the number of seers of 80 tolas per local measure of a grain is determined.

Let this figure be denoted by S. Then the price in rupees per imperial maund of an article, corresponding to the price of one naya-Paisa per local measure is determined by the formula 5/2S.

B.P. 74, d. 30-11-32.

(v) A table is given in Appendix XV for converting Indian maunds of 82$\frac{2}{7}$ lb. into tons and vice versa.

205. Impounded cattle—*Minimum period of detention in pounds.*—The provisions of the law requiring that unclaimed cattle should be kept in the pound for at least fourteen days before they are sold, must be complied with even where the value of the animals is not sufficient to cover the cost of their keep for that period.

B.P. 5569, d. 30-7-1869.

2. *Adjustment of excess feeding charges.*—Excess feeding charges recovered on account of impounded cattle should be shown in the accounts under the head of "deposits", and should be credited to the head [a] "XLVI. f. Miscellaneous—Other Fees, Fines, Forfeitures—Pound Fund Receipts," [a] if they remain unclaimed for three months.

B.P. 38, d. 31-1-1893. [a] G.O. Mis. 725, Finance, d. 14-10-1929.
[a] Board's Ref. 7644/29-1, d. 28-10-1929 in B.P. Mis. 122, d. 15-1-1930.
G.O. Ms. 2144, Rev., d. 1-6-56. B.P. Mis. 1687, d. 30-11-56.

3. *Owners not to feed impounded cattle.*—[a] Owners of cattle should not be permitted to feed them while under detention in a pound, as the duty is imposed on the pound-keeper under section 9, Act I of 1871[a]. Owners of cattle attacked by a contagious or infectious disease may, however, be permitted under section 9 of Madras Act II of 1866, to supply food and medicines to the animals during the period of their detention in hospital pounds.

[a] B.P. 32, d. 20-1-1894.

4. *Commission to pound-keepers.*—Pound keepers are entitled to commission on all fines imposed on impounded cattle, whether paid direct by the owners of the cattle, or realised out of their sale-proceeds.

B.P. 32, d. 20-1-1894.

206. Government Translators.—Collectors who require the assistance of Translators to Government in translating official documents should apply for such assistance to the Government through the Board.

G.O. 1423, Public, d. 30-12-1872.

207. Reports on draft Acts.—Collectors should invariably peruse Bills of the Legislators published in the *Fort St. George Gazette.* If they desire to make any observations, they should submit their remarks to the Board within two weeks from the date of publication.

B.P., d. 23-10-54 (M., Vol. II, p. 91 of 1854.)

208. Treatment of persons apparently drowned.—Collectors should make known in their districts the substance of the pamphlet entitled "Instructions for the treatment of persons apparently drowned," which has been translated into the several regional languages and issued for

distribution in the mufassal. The instructions should be occasionally republished in the regional language in the village sheet of the district gazette.

B.P. 1711, d. 7-7-1874. G.O. Mis. 2945, Rev., d. 26-7-56.
B.P. Mis. 1686, d. 30-11-56.

209. Occurrence of floods.—Damage, which might be prevented by timely notice being given, is often occasioned by unusual floods in large rivers. Whenever such floods occur in a district, the Collector should forthwith telegraph the fact to the Collectors of any districts lower down the stream which are likely to be affected by the floods. [a]Collectors should also report by telegram to the Chief Secretary to Government and to the Board of Revenue the occurrence of calamities, such as floods and earthquakes, which cause serious damage to life or property.[a]

B.P. 164, d. 20-1-1883. [a] G.O. 231, Rev., d. 22-1-13.
[a] B.P. 28, Sett., d. 3-2-13.

Note.—Flood patrol rules have been issued by the Government in respect of the Cauvery, Coleroon and Tambraparani rivers. These rules specify the officers who have to be on flood duty and the duties to be performed by them.

B.P. 125, Press, d. 29-9-38. G.O. Mis. 2945, Rev., d. 26-7-56.
B.P. Mis. 1686, d. 30-11-56.

210. Wandering gangs of Asiatic foreigners.—Members of wandering gangs of Asiatic foreigners such as Iranis, Mekranis, Baluchis, Kabulis, Heratees, Afghans, Kashmiris, etc., should on no account be granted safe conduct passes or certificates by any Government officer.

G.O. 2088, d. 12-7-12.

211. Fisheries –*Disposal of Fisheries by lease.*—The fisheries in all public inland waters such as tanks, rivers, estuaries, canals, drains, etc., whether in charge of Revenue or Public Works or Fisheries Department should ordinarily be disposed of by lease. Where such waters lie in or flow through municipal or panchayat limits, the right of fishing shall be exercised in such limits subject to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the District Board Act, 1920, or section 77 of the Madras Village Panchayats Act (Act X of 1950), as the case may be. Disposal of fishery rights otherwise than by lease shall be resorted to only under the circumstances mentioned in paragraph 2 below. The concession of lease without auction is not available to individuals. The lease should be given in the following order of preference :—

(i) Co-operative societies of fishermen or of Harijans engaged in fishing ;

(ii) Panchayat of the locality.

(iii) Private individuals as determined by the results of public auction.

The following procedure should be adopted in sanctioning the lease :—

(i) The co-operative societies composed of fishermen or of Harijans engaged in fishing should first be given an opportunity of taking the fishery on lease for a reasonable rental fixed by the Collector of the district or the authority concerned.

(ii) If the co-operative society is not prepared to take the lease for the amount offered, opportunity should be given to the panchayat working in the area to take the lease for the same amount.

(iii) If neither the co-operative society nor the panchayat is willing to take the lease, the fishery should be disposed of by public auction in the manner indicated in paragraph 2 below.

(iv) In fixing the rentals the Collector or the authority concerned should take into account not only the average revenue realised during the previous five years but also such circumstances as combination of bidders or reckless bidding affecting the rental in any of the previous years and any development of fishery by the Fisheries Department during the relevant period. The Collector or the authority concerned should consult the Assistant Director of Fisheries concerned before fixing the rentals. Where there is a difference of opinion between the Collector and the Assistant Director of Fisheries, the Collector should refer the matter to the Board of Revenue and the Board should pass orders in the matter in consultation with the Additional Director of Industries and Commerce, if necessary.

(v) As soon as the lease is sanctioned, an agreement should be executed in the form prescribed in Appendix XVII. The lease shall ordinarily be sanctioned for fasli year in respect of river fisheries and for calendar year in respect of tank fisheries. The period of lease shall not exceed one year. If the lease is to be granted for periods exceeding one year, the Collector should consult the Additional Director of Industries and Commerce and take orders from the Board of Revenue. Proposals for the renewal of lease or disposal otherwise shall be sent by the Assistant Director of Fisheries concerned to the Collector two months in advance before the date of expiry of the current lease.

(vi) A panchayat or a co-operative society cannot claim the lease of fisheries as a matter of right. The lease may be refused on adequate grounds like irregularities in working or financial unsoundness as reported by the administrative authorities concerned. The Collector or the authority concerned should, before refusing the lease on any such ground consult the District Panchayat Officer concerned in the case of a Panchayat and the Deputy Registrar of Co-operative Societies concerned in the case of a co-operative society.

2. *Disposal of fishery rights otherwise than by lease.*—Disposal of fishery rights otherwise than by lease, i.e., by public auction, should be resorted to only if there are no co-operative societies composed of fishermen or of Harijans engaged in fishing or a panchayat in the locality and in cases where such co-operative society or the panchayat is not willing to take up the lease. Notice of such sale shall be given by beat of tom-tom in the village and in the neighbourhood. If the average lease amount for the three previous years exceeded Rs. 25, notice in form II in Appendix XVI should be published in the district Gazette. Co-operative societies and the panchayat of the locality should be specifically invited to bid along with individuals. Notice of such sale should also be given to the

Assistant Director of Fisheries concerned sufficiently in advance. The sale should be conducted by the Revenue Inspector except where the average lease amount during the three previous years has been Rs. 250 or more ; in these excepted cases, it should be conducted by an officer not lower in rank than a Deputy Tahsildar. The sale should be confirmed by the Tahsildar or the Deputy Tahsildar in cases where the lease amount does not exceed Rs. 25 and by the Revenue Divisional Officer in all other cases provided that if the average of the lease amounts for the three previous years is more than Rs. 25 the sale should be confirmed by the Revenue Divisional Officer irrespective of the lease amount obtained at the sale. The sale records should be submitted to the confirming officer for confirmation through the proper channel on the date of the sale. An agreement should be executed by the successful bidder or tenderer in the form prescribed in Appendix XVII.

No agreement need be executed in the case of fisheries which fetch a rent below Rs. 25. The following procedure shall be adopted in these cases. All the conditions of agreement should be incorporated in the notice of sale or tender notice and a clause should be added thereto stating that on confirmation of the sale/tender and payment of deposit, an order will issue to the successful bidder or tenderer to enjoy the fishery subject to the conditions in the notice. At the time of sale of fishery, the notice of sale should be read over to the bidders and their signatures obtained in token of their having heard and understood the conditions mentioned in it and of their agreeing to make their bids subject to those conditions. As soon as the sale/tender is confirmed an order should be issued to the successful bidder/tenderer embodying in it or referring to the conditions in the notice of sale/tender notice. If a sale notified under Appendix XVI, Form II, fetches less than Rs. 25, the conditions in Appendix XVIII, Form II, should be read over at the end of the sale and the signature of the highest bidder obtained in token of his agreeing to abide by the conditions. Where the average lease amount for the three previous years is below Rs. 25 the notice of sale in Form II in Appendix XVIII should be used.

The auction of the tanks including those in charge of Fisheries Department should be arranged when there is likely to be at least one and a half month's supply of water in them but a tank should not be drained for fishing when there is a standing crop to be irrigated by it.

When sale in public auction also fails, the fisheries should be disposed of to the best advantage, *e.g.*, by inviting tenders. The procedure prescribed for a sale by auction should, as far as may be practicable, be also followed in cases of sale by tender, except that no publication in the District Gazette is necessary.

3. *Safety of the fisheries.*—The village headman should be held responsible for the safety of the fisheries both before and after the lease or auction until the lease is sanctioned or the sale is confirmed and for necessary help to the lessees against hostile villagers.

4. *Collection of rental in instalments.*—The co-operative societies should be asked to deposit at least 25 per cent of the rental before orders granting the lease are issued. The balance alone should be permitted to be paid in instalments.

Proposals for the collection of the rentals in instalments should be submitted for the orders of the Government through the Board of Revenue in all cases and when permission is granted for the payment of the rental in instalments, in no case should any compensation payable to the local bodies be paid in any year until all the instalments of the fishery rental for that year have been completed.

The agreement should be got executed before the commencement of the lease period even if the orders of the Government permitting the societies to pay the balance of the rentals in instalments are not received. In such cases, the agreement might provide for the payment of the balance of the lease amount in such manner as the Government may direct.

5. *Disposal of fisheries in waters taken over by the Fisheries Department.*—When the fisheries in waters taken over by the Fisheries Department are disposed of in public auction, which should be resorted to only under the circumstances mentioned in paragraph 2 above, due notice of such sale should be given to the Assistant Director of Fisheries concerned at least one full week in advance. When an officer of the Fisheries Department is present at the sale, he should report the result of the sale to the Assistant Director of Fisheries concerned on the very date of sale. If no such officer is present, the selling officer should, when submitting the sale record for the orders of the Revenue Divisional Officer, Tahsildar or the Deputy Tahsildar, simultaneously send intimation of the results of the sale to the Assistant Director of Fisheries concerned. The Revenue Divisional Officer, Tahsildar or the Deputy Tahsildar should, before passing orders confirming the sale, wait for the opinion of the Assistant Director of Fisheries concerned for fifteen days from the date of receipt of the sale records. He need not normally consult the Assistant Director of Fisheries if the selling officer has communicated to the Assistant Director the results of the sale.

No proposal at that stage from the Fisheries Department to set aside the auction should be entertained by the Officer confirming the sale unless it is shown that there was fraud or collusion or combination which has led to a loss of the legitimate income as compared with the average rentals of the past three years. In the latter event, the fishery may be sold to the party recommended by the Fisheries Department, by the Collector if he agrees with the Assistant Director of Fisheries or otherwise with the sanction of the Board of Revenue, if it is shown that a fresh auction is undesirable or impossible. In all fresh sanctions the offer, if any of an individual or a society should ordinarily be taken as the upset price. In suitable cases, the Collector may also allow the Fisheries Department to conduct fishing with Departmental staff where the average rentals of the previous three years do not exceed Rs. 100 and in other cases, the Board of Revenue may allow such fishing.

6. *Powers of the Board and the Collectors in regard to remission of fishery rentals.*—The Board of Revenue can sanction remission of fishery rentals accruing from provincialised waters up to a limit of Rs. 500 in each case and the Collectors can sanction such remission up to a limit of Rs. 200 in each case. The power of remitting such fishery rentals of more than Rs. 500 vests in Government. The Board of Revenue and the Collectors should consult the Assistant Director of Fisheries concerned prior to the sanction of such remission.

G.O. Press 3696, Rev., d. 1-10-56.
B.P. Mis. 1687, d. 30-11-56 and B.P. Press 30, d. 22-11-56.

212. [*Deleted.*]

G.O. Mis. 2945, Rev., d. 26-7-56. B.P. Mis. 1686, d. 30-11-56.

213. Agricultural pests and diseases—*General.*—Madras Act III of 1919 as amended by Act VII of 1925 provides for the prevention of the spread of insect pests, plant diseases and noxious weeds which are injurious to health or to crops, plants, trees or water-supply or obstruct waterways within the State of Madras.

2. *Nature of remedial or preventive measures and how and when to be carried out by the different authorities concerned.*—As soon as the Government notify that any pest, disease or weed in any local area is dangerous to health or is injurious to crops, plants, trees or water-supply or is obstructive to waterways and that it is necessary to take measures to eradicate it or to prevent its introduction or re-appearance, the Collector should proclaim it prior to the date on which the notification shall come into force, in the local area defined in the notification by beat of tom-tom and by posting copies of the notifications in the village chavadi or other prominent place. On the issue of the notification under section 3 of the Act every occupier within the notified area shall be bound to carry out the remedial and preventive measures prescribed in such notification.

Note.—For the purpose of this section alone, the State Government shall be deemed to be the occupier in the case of all lands which are the property of the Government within the meaning of section 2 (1) of the Madras Land Encroachment Act, 1905.

Leaflets have been prepared by the Director of Agriculture in simple language giving a clear description of the pests as well as the treatment to be adopted and the reasons for adopting it. The Collectors should publish these leaflets in the languages of the district in the village sheet of the District Gazette. Copies of the leaflets should also be distributed to the Agricultural Association and the chief landowners in the tracts and posted in the village chavadies and other prominent places.

Village officers of villages in taluks adjoining a notified area within whose village limits a pest disease or weed similar to the insect pest, plant disease or noxious weed within the notified area may appear, shall report the same to the Collector.

The inspecting officers appointed by Government from time to time under section 19 of the Act may enter on any land or water within the notified area and take such action as may be necessary in order to ascertain whether any insect pest, plant disease or noxious weed is

there present and whether the prescribed remedial or preventive measures or both, as the case may require, have been taken. If any occupier fails to remove such, notified plant on or before the date specified in the notification he shall be deemed to have committed an offence under the Act and the removal or destruction of such plant may be carried out by the inspecting officer or under his supervision. If any inspecting officer finds that any remedial or preventive measures other than those specified above have not been properly carried out, he may, subject to such rules as the Government may prescribe under section 21 (*g*), call upon the occupier by notice in writing to carry out the prescribed remedial or preventive measures within a time to be specified in such notice.

3. *The time-limit allowed to the occupier to carry out remedial or preventive measures.*—The period within which the occupier shall carry out the remedial or preventive measures will be left to the discretion of the Tahsildar who should give general or special instructions to inspecting officers subject to the condition that in no case should the period allowed exceed eleven days.

4. *Appeal under section* 6 *of the Act.*—The occupier may within seven days of the service upon him of such notice prefer an appeal to the prescribed officer who may make such order as he thinks fit. The decision on such appeal shall be final. The officer receiving the appeal may extend the time specified in the notice.

5. *Appeal petition to be stamped.*—Appeals under the Act are subject to the usual stamp duty of 75 naye Paise. The Collector should add a note to this effect at the foot of the rules issued under section 21 of the Act.

G.O. Ms. 112, Rev, d. 8-1-57.

6. *Procedure to be followed in respect of such appeal.*—Instructions regarding appeals are given in Appendix XIX.

7. *Recovery from the occupier of the cost of preventive or remedial measures carried out by the inspecting officers.*—If any prescribed remedial or preventive measures are carried out by the inspecting officer the cost of such measures shall be recoverable from the occupier within 30 days as if it were an arrear of land revenue but such occupier may appeal to the Collector within 30 days from the date of the demand.

8. *Compensation to occupier for trees and plants destroyed in the process of carrying out such preventive or remedial measures.*—If in carrying out any prescribed remedial or preventive measures the inspecting officer destroys or causes to be destroyed any trees or plants as stated in section 9 (1) (*a*), (*b*) and (*c*) of the Act, he shall serve a notice in writing on the occupier stating particulars of the trees and plants destroved and his estimate of their value and the occupier shall be entitled to compensation as prescribed in section 9 of the Act. No compensation shall be payable for any noxious weed destroyed. All claims for compensation shall be made in writing to the valuing

officer appointed by the Government within one month from the service of the notice. The valuing officer after making such enquiry and taking such evidence as he may consider necessary shall award compensation not exceeding the rate prescribed in section 9 (2) of the Act and transmit or cause to be transmitted copies of his award in writing to the occupier and the inspecting officer. The date within which and the officer before whom an appeal may be preferred shall be entered in the award. Either the occupier or the inspecting officer may within thirty days of the date of receipt of the award prefer an appeal against such award to the prescribed officer whose decision shall be final.

9. *Permanent advance to inspecting officers.*—In order to enable the inspecting officers to meet the cost of remedial or preventive measures carried out under the Act, each inspecting officer shall be given a permanent advance of Rs. 25.

10. *Issue and recoupment of permanent advance.*—Instructions regarding the procedure to be adopted in the issue and recoupment of permanent advance are embodied in Appendix XX.

11. *Advance rules to be observed and registers to be maintained.*—The rules relating to the advances required by the inspecting officers to carry out the remedial measures and the registers to be maintained by Tahsildars and Deputy Tahsildars are given in Appendix XXI.

G.O. Ms. 1205, Dev., d. 19-6-42. B.P. 35, Press, d. 30-6-42.
G.O. Ms. 2945, Rev., d. 26-7-56. B.P. Mis. 1686, d. 30-11-56.

APPENDICES TO CHAPTER XIX.

APPENDIX I.

[Standing Order No. 197, paragraph 5.]

Application for declaring immovable property escheat, *district.*

1 Taluk.

2 Village, estate or township.

3 Description of property.

4 Area in acres.

5 Assessment or quit-rent.

6 Estimated yearly rent value.

7 Estimated Market value.

8 Date of the death of the last owner.

9 Date of publication of notice inviting claims.

10 Names of claimants and their relationship to the deceased.

11 Particulars of objections raised.

12 Collector's recommendation.

Dated 19 . *Collector.*

APPENDIX II.

[Standing Order No. 197, paragraph 8.]

Rules to regulate proceedings under the Indian Treasure Trove Act, 1878 (*VI of* 1878).

Under section 19 of the Indian Treasure Trove Act, 1878 (VI of 1878), the Governor is pleased to make the following rules to regulate proceedings under the said Act, in supersession of all previous rules on the subject :—

1. (1) When the finder of any treasure has deposited it in the nearest Government treasury, the Collector may remove it to any other Government treasury.

(2) When the finder of any treasure has not deposited it in any Government treasury, or refuses or neglects to give the security required, the Collector may take possession of such treasure and remove it to the nearest, or any, Government treasury.

2. The Collector's notification requiring claimants to appear shall be published by him in the English language in the *Fort St. George Gazette.* The notification shall be forwarded direct to the Controller of Stationery and Printing, Madras, for publication, and copy of the notification so published shall be inserted by the Collector in four consecutive issues of the district gazette in the language or languages of the district.

The date * on which the notification is first published in the *Fort St. George Gazette* shall be taken to be the date of publication for the purposes of section 5, clause (*a*) of the Act.

G.O. Ms. 1273, Rev., d. 3-6-41. B.P. Press, 67 d. 17-6-41.
G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

3. The Collector shall, whenever he has made a declaration under section 9 that any treasure is ownerless, and before delivering or dividing the treasure as provided by sections 10-15 of the Act, consult the Superintendent of the Government Central Museum as to whether he shall declare his intention to acquire such treasure, or any portion thereof, on behalf of the Government, and shall be guided by his advice. When making the reference the Collector shall furnish the Superintendent of the Government Central Museum with a detailed descriptive list of the objects found, indicating which of the objects in the list are likely to prove of historical or archæological interest. The reference shall be sent in duplicate so as to enable the Superintendent to send one copy of it to the Superintendent, Archæological Survey of India, Southern Circle, Madras, when consulting him with reference to Rule 4.

G.O. Ms. 1266, Rev., d. 23-5-39. B.P. Press 85, d. 30-9-39.

4. The Superintendent of the Government Central Museum shall, on a reference being made to him by the Collector under the rule 3 consult the Superintendent, Department of Archæology, Southern Circle, Madras, and also, if he considers it desirable the Government Epigraphist for India at Ootacamund

* Under section 5 (*a*) of Act VI of 1878, the date to be fixed by the Collector's notification shall be not earlier than four months or later than six months after the date of the publication (in the *Fort St. George Gazette*) of the notification.

and any other responsible officer of Government interested in the conservation of objects of historical and archaeological interest whom he may see fit to consult. The Superintendent, Government Central Museum on a reference being made to him by the Collector of Tanjore under rule 3 shall also consult the Secretary, Art Gallery, Tanjore, relating to the treasure trove finds unearthed in the Tanjore district and may on obtaining the orders of the Government, acquire them on behalf of the Art Gallery, Tanjore, if they are not required for the Government Central Museum and they are considered necessary for the Art Gallery, Tanjore. The cost of such acquisition shall be met by the Administrative Committee of the Art Gallery, Tanjore. **Appx. II.**

B.P. Press, 3, d. 12-1-55.

G.O. Ms. 3727, Rev., d. 4-10-56. B.P. Mis. 1685, d. 30-11-56.

5. (1) All coins acquired under the Act on the recommendation of the Superintendent of the Government Central Museum shall be sent to the Superintendent who shall report to Government their probable numismatic value, and submit a distribution list of specimens of each coin which he may consider deserving of preservation. The following institutions shall, after the Superintendent of the Government Central Museum has set apart the coins required for that institution, be supplied, if possible, with one or more specimens in the following preferential order :—

(1) The Indian Museum.
(2) The Provincial Museum, Lucknow.
(3) The Nagpur Museum.
(4) The Public Library, Shillong.
(5) The Archæological Museum, Poona.
(6) The Ajmer Museum.
(7) Asiatic Society, Bengal.
(8) The Art Gallery, Tanjore.

B.P. Mis. 1685, d. 30-11-56. G.O. Ms. 3727, Rev., d. 4-10-56.
G.O. Ms. 3524, Rev., d. 5-12-54. B.P. 3, Press, d. 12-1-55.

(2) When only one specimen of a coin is found it shall be preserved in the Government Central Museum, Madras, unless a specimen of it already exists there. If the Museum already possesses one or more specimens, or if more specimens than one, but not sufficient for all the institutions named in the preceding clause, are found, the said institutions shall be supplied, in the order prescribed, with one specimen each, until the specimens are exhausted.

(3) When a find of coins contains more specimens of a single variety than are required for the purpose of presenting one or more coins to each of the said institutions, which requires it, the Superintendent of the Government Central Museum may, if the coins are of considerable numismatic value, recommend the acquisition of the whole or any portion of the coins. Surplus coins thus acquired shall be kept for sale at the Government Central Museum by the Superintendent who shall, from time to time, advertise coins in Part II of the *Fort St. George Gazette* and also supply lists of coins for sale to numismatists who register their names, and to such museums and societies as the Superintendent may consider likely to acquire coins.

6. Collectors may, on the recommendation of the Superintendent of the Government Central Museum, purchase coins which are of less value than Rs. 10 from finders on the terms laid down in section 16 of the Act. Such coins shall be sent by the Collector to the Superintendent of the Government Central Museum, who shall deal with them in the manner prescribed in the preceding rule.

G.O. Ms. 3727, Rev., d. 4-10-56.

Appx. II.

7. The Collector shall put forward the claims of Government under the Act to all valuable* copper-plates, inscriptions†, etc., in cases to which that Act applies‡ and officers in all departments shall report § to the Collector any discoveries which may come under their notice.

B.P. 231, d. 17-8-07. B.P. 96, d. 10-12-20.
G.O. Ms. 116, Rev., d. 15-1-55. B.P. 5, Press, d. 10-2-55.

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* The Indian Treasure Trove Act, 1878, permits the Government to claim the possession of treasure of which, as laid down in section 4 of the Act, the amount or value is over 10 rupees. Such 'value' is not, as in section 16, the price which the mere materials of the articles found would fetch, but the market value or the price which the discovered object might, if offered for sale, reasonably be presumed to realise. The conditions under which the finder of treasure is to be compensated in cases where the claim of Government is asserted are described in section 16 of the Act. The value at which the treasure is to be assessed is there defined as the value of the materials only plus one-fifth of such value. The extra price which the discovered article might realise in virtue of its value as an object of archæological interest need not enter into account.

† A material portion of discovered antiquities will be ascertained on inquiry to have been found in circumstances which would bring them under the provisions of the Act. Such will be the case in respect of all ownerless antiquities of any value "hidden in the soil, or anything affixed thereto". Statuary and remains of buildings, as well as coins would if buried under ground, usually satisfy the required conditions and could be classed as treasure under the definition of the Act, which was intended to apply to objects of antiquarian interest discovered below the surface of the soil.

‡ The rules apply to the preservation *in situ* of objects of archæological interest which may be claimed and purchased under the Act.

§ It is the duty of all servants of the State to protect national interest so far as to ascertain the particulars of any discovery which may be brought to their notice and to report the circumstances to the heads of their departments for communication to the Collector and the Superintendent, Government Central Museum.

APPENDIX III.

[Standing Order No. 200, paragraph 1.]

Scale of fees for process-service in courts.

Nature of process.	Amount leviable in any revenue court.
	RS. nP.
I. For each summons or notice—	
(a) to a single defendant, respondent or witness	0 50
(b) to every additional defendant, respondent or witness residing in the same village, if the processes be applied for at the same time.	0 25
II. [b]For every warrant— (a) of arrest in respect of every person to be arrested with an additional fee for the services of every officer entrusted with the warrant for each day after the third day beginning with the day on which the warrant was issued, (b) of attachment in respect of every such warrant, with an additional fee for the services of every officer entrusted with the warrant for each day after the third day beginning with the day on which the warrant was issued, (c) of sale in respect of every such warrant, with an additional fee for the services of every officer entrusted with the warrant for each day after the third day beginning with the day on which the warrant was issued, (d) of delivery of possession in respect of every such warrant, with an additional fee for the services of every officer entrusted with the warrant for each day after the third day beginning with the day on which the warrant was issued.	1 00[b]
The additional fee is to be levied at the following rates :—	
If the officer is an amin	0 38
Do. a peon	0 25
Do. a revenue inspector[b]	0 50
III For every process in execution of a village munsif's decree ..	0 25
IV. For proclamation, injunction, or order, and every process not otherwise provided for	1 00
An additional fee being leviable after the third day as above.	
V. In respect of sales a fee by way of poundage on the purchase money calculated at 7 nP. in the rupee on the first 350 rupees, 4 nP. in the rupee on any additional sum up to Rs. 1,000 and 2 nP. in the rupee on any additional sum above Rs. 1,000.	
Notes.—(1) Any party may deposit the cost of proceeding by railway or any public conveyance where such is available, and in such case the process-server shall be bound to proceed by such railway or public conveyance, and the cost so deposited shall be part of the costs of the cause.	
(2) For processes applied for and ordered to be executed as emergent the fee will be the ordinary fee and half as much again.	
(3) [a] If the poundage chargeable or the purchase money should involve fractions of 7 n.P., 4 n.P., or more shall be taken as 7 nP. and fractions less than 4 n.P. shall be omitted from the amount payable. [a]	

Appx. III

Scale of fees for process service in courts— cont.

Nature of process.	Amount leviable in any revenue court.
	RS. NP.
(4) °Each process should be paid for according to the time which it really occupies. The party must not be charged for time occupied in serving processes other than his own, but he must pay for all the days which his own process or processes would have occupied, if it or they had alone been entrusted to the server. When one applicant puts in several processes to be executed at the same time in the same locality, the charge for any additional days occupied on account of such processes may be distributed over them.	
(5) There is nothing objectionable in levying the additional fee in advance when it is calculated that the journey to and fro and the work to be done will take more than three days in all and that for this purpose, a journey of 15 miles a day may fairly be taken as a rough basis of calculation, not necessarily to be adhered to in all circumstances.	
(6) In cases, however, in which a process which would ordinarily have been executed within the three days allowed by the rules, has actually taken, contrary to expectation, more than three days to execute, no additional fee need be collected subsequently for the excess number of days. The original levy should be regarded as final, as such cases are not frequent and there would be difficulty in collecting the excess. °	

Judicial Notification, d. 16–6–84, at page 382 of the *Fort St. George Gazette* of the 24th June 1884 ; B. P. 1445, d. 16–5–85.

a B.P. 43, d. 13–6–24.

b G.O. Mis. 92, Rev., d. 11–1–28.
c G.O. Mis. 2686, Rev., d. 14–11–28.

b B.P. Mis. 560, d. 16–2–28.
c B.P. 131, d. 26–11–28.

G.O. Ms. 112, Rev., d. 8–1–57.

APPENDIX IV.

[Standing Order No. 200, paragraph 4.]

Statement showing the financial results of the working of the process-servers in the various offices of district of for the year 19 –19 .

Serial number.	Names of offices.	(a) Number of process-servers or amins.	Rate of pay.	Receipts.	Charges.			Net gain or loss to Government [difference between columns (5) and (8)].
					Pay.	Allowances.	Total.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
				RS. NP.	RS. NP.	RS. NP.	RS. NP.	RS. NP.
1. Regulation IX of 1822.								
2. Act III of 1895.								
3. Act I of 1908.								

(*a*) *Note*.—The entries relating to the process-servers and amins should be shown in separate section.

G.O. 1163, Rev., d. 21-5-20.
B.P. 58, d. 7-7-20.
G.O. Mis. 409, Rev., d. 7-3-23.
G.O. Mis. 2492, Rev., d. 18-10-20.
B.P. 86, d. 27-10-20.
B.P. 28, d. 18-4-23.

APPENDIX V.

[Standing Order No. 200, paragraph 5.]

Forms of Summons issued under Madras Act III of 1869.

I.—Summons to appear in person and [*also to produce documents*].

To AB of

Whereas your attendence is necessary to give evidence and to produce the following documents (here describe the documents with convenient certainty) with reference to a Revenue inquiry (here enter briefly the subject of the inquiry) now pending before me, you are hereby summoned to appear in person before me on the day of at o'clock and not to depart thence until permitted by me.

Given under my hand and seal this day of

(Signature)

Seal.

(Official designation).

II.—Summons to produce documents.

To AB of

Whereas the following documents (here describe the documents with convenient certainty) are required with reference to a Revenue inquiry (here enter briefly the subject of the inquiry) now pending before me, you are hereby summoned to produce, or cause to be produced, the said documents before me on the day of at o'clock.

Given under my hand and seal this day of

(Signature)

Seal.

(Official designation)

B.P. 6075, d. 16-8-69.

APPENDIX VI.

[Standing Order No. 200, paragraph 6.]

Scale of fees, costs and charges to be levied for the purposes of the Madras Estates Land Act I of 1908 (*except for processes issued by revenue officers acting as revenue courts*).

1. *For deposits of rent.*—For deposits of rent under section 68 (3) twenty-five naye Paise for every such deposit of Rs. 25 or less, with an additional 25 naye Paise for every Rs. 25 or part of Rs. 25 in excess; provided that in no case shall the fee exceed the sum of Rs. 5.

2. *For service of pattahs.*—For the service of pattahs under the provisions of section 54, the fee shall be as follows :—

(*a*) if the pattahs have to be served on one or more persons residing in the same village, one rupee ;

(*b*) if the pattahs have to be served on persons resident in more than one village, one rupee for each village in which service is required ;

(*c*) in addition to the above fee, the actual charge which must be incurred, if it is necessary to travel by railway or boat, or cross ferries, will be levied from and paid by, the person at whose instance the pattah is issued before issue of the pattah. If a peon carries more than one pattah involving charges for railway fare, boat hire, etc., the sum leviable will be charged in equal shares upon all the pattahs so carried.

3. *For appraisement, division or determination of produce.*—The fee to be deposited with an application under section 74 of the Act shall be such sum as the Collector may require, provided that it shall not exceed the estimated amount of the actual expenses involved plus a fee of Re. 1 for each day on which the officer is likely to be employed in making the division or appraisement or determination. If the amount deposited is at any time found insufficient to cover the actual expenses and fees, the Collector or the officer deputed to make the division, appraisement or determination may, before proceeding further, require a deposit of such further sum as he may consider necessary. If the amount of the actual expenses and fees is less than the deposit paid, the difference shall be refunded to the applicant.

B.P. 240, d. 1-9-10. G.O. Ms. 3727, Rev., d. 4-10-1956. B.P. Mis .1685, d. 30-11-1956.
G.O. Ms. 112, Rev. d. 8-1-1957.

APPENDIX VII.

[Standing Order No. 204, paragraph 3.]

Statement showing the scale of fees for stamping weights and measures.

Districts.	Rates of fees. RS.	NAYE PAISE.
Madras ..	0	7
Chingleput	0	4
South Arcot	0	4
North Arcot	0	7
Salem ..	0	10
Coimbatore	0	7
Tiruchirappalli ..	0	7
Tanjore	0	4
Madurai	0	7
Ramanathapuram	0	7
Tirunelveli	0	7
The Nilgiris * ..	..	..

* No stamping party is at work in the district.

G.O. Mis. 1387, Dev., d. 3-9-27. B.P. 61, d. 26-9-27.
G.O. Mis. 2945, Rev., d. 26-7-56.
B.P. Mis. 1686, d. 30-11-56.
G.O. Ms. 112. Rev. 8-1-57.

APPENDIX VIII.

[Standing Order No. 204, paragraph 2.]

Statement showing the denomination of weight and the maximum deviation permissible.

Denomination of weight.	Maximum deviation permissible. In deficiency.	In excess.
LB.	LB.	LB.
1, 2, 4	1/160	1/80
7, 14, 28	1/80	1/40
56	1/40	1/20

G.O. 1352, Dev., d. 24-9-34. B.P. 161, d. 8-11-34.
G.O. Ms. 2945, Rev., d. 26-7-56. B.P. Mis. 1686, d. 30-11-56.

APPENDIX IX.

[Standing Order No. 204, paragraph 4.]

Standard weights.

The errors permissible in the weights used for different purposes are given below :—

Description of weight.	Error in excess only. GRAINS.
I. Imperial avoirdupois weights—	
112 lb.	120
56 lb.	60
28 lb.	40
14 lb.	24
7 lb.	16
5 lb.	14
4 lb.	12
2 lb.	8
1 lb.	4
8 oz.	4
4 oz.	4
2 oz. and below	2
1 oz. and below	1
II. Indian maund weights—	
1 maund	75
$\frac{1}{2}$,,	48
$\frac{1}{4}$,,	30
$\frac{1}{8}$,, or 1 viss	20
$\frac{1}{16}$,, or $\frac{1}{2}$ viss	14
$\frac{1}{20}$,, or 2 seers	11
$\frac{1}{40}$,, or 1 seer or 8 palams	5
$\frac{1}{80}$,, or $\frac{1}{2}$ seer or 4 palams	4
$\frac{1}{160}$,, or 2 palams	4
$\frac{1}{320}$,, or 1 palam	2
Weight below 1/320 maund	1
III. Imperial troy bullion weights—	
500 to 300 oz. inclusive	5
200 to 100 oz. ,,	4
50 to 40 oz. ,,	2
30 to 20 oz. ,,	1
10 oz. inclusive	0·7
5 oz. ,,	0·5
4 and 3 oz, inclusive	0·4
2 oz. inclusive	0·3
1 oz. ,,	0·2
0·5 to 0·1 oz.	0·1
0·5 to 0·02 oz. inclusive	0·05
0·01 oz.	0·02
0·005 to 0·001 oz. inclusive	0·01

Appx. IX.

Description of weight.	Error in excess only.
IV. Indian tola bullion weights—	GRAINS.
1,000 to 600 tolas inclusive	5
500 to 300 ,, ,,	4
200 to 100 ,, ,,	3
100 to 50 ,, ,,	2
50 to 30 ,, ,,	1
20 ,, ,,	0·7
10 ,, ,,	0·5
8 to 6 ,, ,,	0·4
4 ,, ,,	0·3
2 ,, ,,	0·2
1 to ¼ tola ,,	0·1
⅛ to 1/16 ,, ,,	0·05
1/32 ,, ,,	0·02
1/64 ,, ,,	0·01
V. Imperial apothecaries' weights—	
10 oz. troy	0·7
8 oz. ,,	0·6
6 oz. ,,	0·5
4 oz. ,,	0·4
2 oz. ,,	0.3
1 oz. ,,	0.2
4 drachms to 2 drachms inclusive	0·1
2 scruples	0·08
1½ ,,	0·07
1 scruple	0·06
½ ,,	0·05
6 grains	0·04
5 ,, to 3 grains inclusive	0·02
2 ,, to ½ grain ,,	0·01
VI. Imperial grain weights—	
4,000 to 2,000 grains	0·5
1,000 to 500 ,,	0·2
300 to 100 ,, inclusive	0·1
72 to 10 ,, ,,	0·05
5 to 3 ,, ,,	0·02
2 to 0·5 ,, ,,	0·01
0·3 ,, ,,	0·005
0·2 to 0·1 ,, ,,	0·002
0·05 to 0·01 ,, ,,	0·001

G.O. 1834, Dev., d. 10-11-27. B.P. 90, d. 25-11-27

APPENDIX X.

[Standing Order No. 204, paragraph 5]

Table of sensitiveness and errors allowed for the different classes of balances and beam-scales.

Class of balance.	Sensitiveness under full load.	Maximum error allowed in excess or deficiency.
I. Beam scale—Class A—		
(a) Capacity 1 oz.	0·05 grain.	0·1 grain.
(b) Do. 1 lb.	0·1 ,,	0·2 ,,
(c) Do. 7 lb.	0·5 ,,	1·0 ,,
(d) Do. 56 lb.	1·5 ,,	2·0 grains.
Beam scale—Class B—		
(a) Capacity 1 oz.	0·2 grain.	0·2 grain.
(b) Do. 8 oz.	1·0 ,,	1·0 ,,
(c) Do. 1 lb.	1·0 ,,	1·0 ,,
(d) Do. 2 lb.	1·5 ,,	2·0 grains.
(e) Do. 4 lb.	3·0 grains.	4·0 ,,
(f) Do. 7 lb.	4·0 ,,	6·0 ,,
(g) Do. 10 lb.	6·0 ,,	9·0 ,,
(h) Do. 14 lb.	8·0 ,,	12·0 ,,
(i) Do. 28 lb.	15·0 ,,	22·0 ,,
(j) Do. 56 lb.	25·0 ,,	40·0 ,,
(k) Do. 112 lb.	1·5 dram.	2·5 drams.
(l) Do. 224 lb.	2·5 drams.	3·5 ,,
(m) Above 2 cwt.	Add 0·5 dram for each cwt. of capacity.	Add 1·0 dram for each cwt. of capacity.
Beam scale—Class C—		
For different capacities multiply figures for *Class B by* 3.		
II. Counter machine (vibrating type)—		
(a) Capacity 1 lb.	20 grains.	30 grains.
(b) Do. 2 lb.	28 ,,	1½ drams.
(c) Do. 4 lb.	40 ,,	2 ,,
(d) Do. 7 lb.	2½ drams.	3½ ,,
(e) Do. 14 lb.	3 ,,	4½ ,,
(f) Do. 28 lb.	4 ,,	6 ,,
(g) Do. 56 lb.	6 ,,	9 ,,
(h) Do. 112 lb.	8 ,,	16 ,,
III. Spring balances—		
Capacity up to 30 lb. ..	Not tested for sensitiveness.	Same as counter machines.
Do. over 30 lb. ..	Do.	Quarter graduation interval.
IV. Steel yards	Do.	Twice the amount allowed for counter machines.

Appx. X

Class of balance.	Sensitiveness under full load.	Maximum error allowed in excess or deficiency.

V. Platform weighing machines and dead weight machines including un-equal armed beam scales—

(*a*) Vibrating machines—

		OZ.	OZ.
Capacity	1 cwt.	½	1
Do.	3 ,, ...	1	2
Do.	5 ,, ...	1½	3
Do.	7 ,, ...	2	4
Do.	10 ,, ...	3	6
Do.	20 ,, ...	5	10
Do.	30 ,, ...	6½	13
Do.	40 ,, ...	8	16
Do.	50 ,, ...	10	20

(*b*) For accelerating machines multiply the figures for sensitiveness and maximum errors allowed by 2.

VI. (*a*) Weigh bridges (vibrating type)—

		LB.	LB.
Capacity	1 ton	1½	1½
Do.	2 tons	2	2
Do.	5 ,, ...	3½	4
Do.	10 ,, ...	5	6
Do.	20 ,, ...	7	10
Do.	25 ,, ...	8	12
Do.	30 ,, ...	8½	13½
Do.	35 ,, ...	9	15
Do.	40 ,, ...	9½	16
Do.	50 ,, ...	10	18
Do.	75 ,, ...	12	23
Do.	100 ,, ...	14	28
Do.	200 ,, ...	18	42

(*b*) Weigh bridges (accelerating type)—

Capacity	1 ton	1½	4
Do.	2 tons	2	5
Do.	5 ,, ...	4	10
Do.	10 ,, ...	6	15
Do.	20 ,, ...	10	25
Do.	25 ,, ...	12	30
Do.	30 ,, ...	13½	34
Do.	35 ,, ...	15	37
Do.	40 ,, ...	16	40
Do.	50 ,, ...	18	45
Do.	75 ,, ...	23	58
Do.	100 ,, ...	28	70
Do.	200 ,, ...	42	105

(*c*) For weigh bridges provided with dials in place of the steel yard, the permissible errors are twice the above figures.

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VII. Crane machines (not tested for sensitiveness)— Appx. X.

(a) *Lever type*—Maximum error allowed is as per platform machines and weigh bridges.

(b) *Spring type*—Maximum error allowed is twice that allowed for platform weighing machines.

(c) *Hydraulic type*—These are for approximate weighing. The maximum error allowed = half weight represented by the consecutive graduation marks.

VIII. Automatic weighing machine—

		Maximum error allowed in excess only.
Capacity	1 oz.	Half per cent of load or weight represented by half graduation.
Do.	10 lb.	Do.
Do.	100 lb.	Do.
Do.	10 cwt.	Do.

G.O. 1834, Dev., d. 10-11-27. B.P. 90, d. 25-11-27.

APPENDIX XI.

[Standing Order No. 204, paragraphs 7 and 16 (i).]

Revised conversion table.

Districts and stations.	Name of measure.	How used locally.	Capacity in fluid ounces.	Diameter in inches.	Contents in rice tolas.	Price in rupees and decimals of a rupee per imperial maund of 3,200 tolas if one naya Paisa represents the price per local measure of										
						Rice.	Paddy.	Cholam. Ordinary.	Cholam. Irungu.	Cumbu.	Ragi.	Varagu.	Varigalu.	Tenai or korralu.	Samai.	Horsegram.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Madras.																
1 Tiruvottiyur High Road.* 2 Big Bazaar .. 3 Kotawal Bazaar .. 4 Triplicane .. .. 5 Chintadripet ..	Type Madras measure.	Struck.	62·5	4½	120	0·267	0·360	..	..	..	0·291	..	..	..	..	0·256
Chingleput.																
1 Tiruvallur .. .. 2 Ponneri .. .. 3 Poonamalle ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	..	..	..	0·270	..	..	..	..	0·235
4 Saidapet	Do.	Struck.	62·5	4½	120	0·267	0·360	..	..	..	0·291	..	..	..	..	0·256
5 Sriperumbudur .. 6 Kancheepuram .. 7 Chingleput .. .. 8 Uttiramerur .. 9 Madurantakam .. 10 Sathiyavedu ..	Do.	Heaped.	62·5	4½	132	0·243	0·325	..	..	..	0·270	..	..	..	..	0·235

* B.P. 63, d. 8-5-34.

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South Arcot.																
1 Tindivanam .. 2 Ginjee .. .. 3 Villupuram .. 4 Tirukkoyilur .. 5 Kallakkurichi .. 6 Vriddhachalam .. 7 Panruti .. .. 8 Cuddalore .. .. 9 Chidambaram .. 10 Mannargudi ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	..	..	..	..	0·235
North Arcot.																
1 Arni .. .. 2 Polur .. .. 3 Tiruvannamalai ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	* 0·254 ..	..	0·267	0·270	0·240	..	..	..	0·235
4 Cheyyar .. .. 5 Arkonam .. .. 6 Ambur .. .. 7 Wallajahpet .. 8 Gudiyattam .. 9 Tiruppattur .. 10 Wandiwash .. 11 Vaniyambadi .. 12 Vellore .. .. 13 Chengam	Do.	Do.	62·5	4½	132	0·243	0·325	.. * 0·254 * 0·254	..	0·267	0·270	0·240	..	..	..	0·235
* B.P. Mis. 1196, d. 6-5-1940.																
Salem.																
1 Krishnagiri .. 2 Hosur .. .. 3 Denkanikota .. 4 Pennagaram .. 5 Dharmapuri .. 6 Uttankarai .. 7 Harur .. .. 8 Attur .. .. 9 Salem .. .. 10 Rasipuram .. 11 Omalur .. .. 12 Sankaridrug .. 13 Tiruchengodu .. 14 Namakkal .. .. 15 Paramathi	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	0·240	..	..	..	0·235

Appx. XI.

Revised conversion table—cont.

Districts and stations.	Name of measure.	How used locally.	Capacity in fluid ounces.	Diameter in inches.	Contents in rice tolas.	Price in rupees and decimals of a rupee per imperial maund of 3,200 tolas if one naya Paisa represents the price per local measure of										
						Rice.	Paddy.	Cholam. Ordinary.	Cholam. Irungu.	Cumbu.	Ragi.	Varagu.	Varigalu.	Tenai or Korralu.	Samai.	Horsegram.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Coimbatore.																
1 Gobichettipalayam. 2 Bhavani .. .. 3 Erode .. .. 4 Perundurai .. 5 Avanashi	Local measure.	Heaped.	33·6	3¾	72	0·445	0·595	0·472	..	0·534	0·498	..	..	..	..	0·434
6 Mettnpalayam .. 7 Pollachi .. .. 8 Udumalpet ..	Type Madras measure.	Do.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	..	..	..	..	0·235
9 Tiruppur	Local measure.	Do.	33·6	3¾	72	0·445	0·595	0·472	..	0·534	0·498	..	..	..	..	0·434
10 Coimbatore ..	Type Madras measure.	Do.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	..	..	..	..	0·235
11 Dharapuram .. 12 Kangayam ..	Local measure.	Do.	37·7	3¾	80	0·400	0·541	0·426	..	0·481	0·450	..	..	..	..	0·389
13 Satyamangalam ..	Type Madras measure.	Do.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	..	..	..	..	0·235
Tiruchirappalli.																
1 Udaiyarpalayam (Jayamkondasozhapuram). 2 Ariyalur .. .. 3 Perambalur ..																

4 Lalgudi .. 5 Tiruchirappalli .. 6 Manapparai .. 7 Kulittalai .. .. 8 Musiri .. .. 9 Turaiyur .. .. 10 Karur .. .. 11 Aravakurichi ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	0·294	0·291	0·270	..	..	..	..	0·235
Tanjore.																
1 Sirkali .. .. 2 Tirumulavasal .. 3 Mayuram .. .. 4 Poraiyar (Tranquebar). 5 Tiruvidamarudur (Madhyarjunam). 6 Kumbakonam .. 7 Kudavasal .. .. 8 Tiruvalur .. .. 9 Nagapattinam .. 10 Topputhurai (Vedaranyam). 11 Tiruturaippundi .. 12 Mannargudi .. 13 Nidamangalam .. 14 Tanjore .. .. 15 Papanasam .. 16 Valangiman .. 17 Tiruvadi .. .. 18 Orattanad .. .. 19 Pattukkottai .. 20 Muthupet .. .. 21 Arantangi	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	..	..	0·291	0·270	0·312	..	..	..	..
Madurai.																
1 Melur .. .. 2 Madurai .. .. 3 Tirumangalam .. 4 Usilampatti .. 5 Nilakkottai .. 6 Dindigul .. .. 7 Palni .. .. 8 Kodaikanal .. 9 Periyakulam .. 10 Uttamapalaiyam .. 11 Vedasandur ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	0·294	0·291	0·270	0·312	..	..	..	0·235

Revised conversion table—cont.

Districts and stations. (1)	Name of measure. (2)	How used locally. (3)	Capacity in fluid ounces. (4)	Diameter in inches. (5)	Contents in rice tolas. (6)	Price in rupees and decimals of a rupee per imperial maund of 3,200 tolas if one naya Paisa represents the price per local measure of — Rice. (7)	Paddy. (8)	Cholam. Ordinary. (9)	Cholam. Irungu. (10)	Cumbu. (11)	Ragi. (12)	Varagu. (13)	Varigalu. (14)	Tenai or Korralu. (15)	Samai. (16)	Horsegram. (17)
Ramanathapuram. 1 Ramanathapuram. 2 Mudukulathur .. 3 Aruppukkottai .. 4 Paramakudi .. 5 Tiruvadanai .. 6 Sivaganga .. .. 7 Tiruppattur .. 8 Sattur .. .. 9 Srivilliputtur .. 10 Virudhunagar ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	0·294	0·291	0·270	0·312	..	..	..	0·235
Tirunelveli. 1 Sankaranayinarkoil. 2 Tenkasi .. .. 3 Ambasamudram .. 4 Tirunelveli .. .. 5 Nanguneri .. .. 6 Radhapuram .. 7 Srivaikuntam .. 8 Tuticorin .. .. 9 Kovilpatti .. .. 10 Vilathikulam .. 11 Tiruchendur .. 12 Sattankulam ..	Type Madras measure.	Heaped.	62·5	4½	132	0·243	0·325	0·254	..	0·291	0·270	0·312	..	..	..	0·235
The Nilgiris. 1 Ootacamund .. .. 2 Coonoor .. .. 3 Gudalur	Half Madras Measure.	Heaped.	31·2	3¼	66	0·488	0·656	..	..	..	0·541	..	..	..	..	0·470

B.P. 74, Press, d. 13-11-1932.

G.O. Ms. 2945, Rev, d. 25-7-1956.

B.P. Mis. 1686, d. 30-11-1956.

APPENDIX XII.

[Standing Order No. 204, paragraph 12.]

Initial letters to be adopted for each district in stamping weights and measures.

Name of district.	Initials to be adopted.	Name of district.	Initials to be adopted.
Chingleput	Ch.	Tiruchirappalli ..	Tp.
Madras	Ms.	Tanjore	Tj.
South Arcot	S.A.	Madurai	Md.
North Arcot	N.A.	Ramanathapuram ..	R.
Salem	Sl.	Tirunelveli	Tn.
Coimbatore	Cb.	The Nilgiris ..	Ng.

G.O. 1003, d. 2-4-12.

G.O. 1712, d. 8-6-12.

G.O. Ms. 2945, Rev., d. 26-7-1956.
B.P. Mis. 1686, d. 30-11-1956.
G.O. Ms. 112, Rev., d. 8-1-1957.

APPENDIX XIII.

[Standing Order No. 204, paragraph 16 (ii).]

Statement showing the weight in tolas of heaps of certain grains for different diameters.

Diameter in inches.	Rice.	Paddy.	Cholam.		Ragi.	Cumbu.		Tenai or korralu.	Varagu (husked).	Horsegram.		Varigalu.	Samai.
			Ordinary.	Irungu.		Light.	Heavy.			Heavy.	Light.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
10	118	99	107	..	88	72	80	82	116	109	104	..	..
9¾	110	92½	99	..	82	67	74	76	108	102	97	..	..
9½	102½	86½	92	..	76	62½	68½	70½	100	95	90	..	..
9¼	95	80½	85	..	70½	58	63½	65½	93	88	83	..	..
9	88	74½	78½	..	65	53½	59	60½	86	81	76	..	..
8¾	81½	69	72½	..	60	49½	54½	56	79	75	70	..	..
8½	75	63½	66½	..	55	45½	50½	52	73	69	65	..	..
8¼	69	58½	61	..	50½	41½	46½	48	67	64	60	..	..
8	63	53½	56	..	46	38	42½	44	61	59	55	..	..
7¾	57½	49	51	..	42	35	39	40½	56	54	50½	..	..
7½	52	44½	46½	..	38	32	36	37	51	49	46	..	..
7¼	47	40½	42	..	34½	29	33	34	46	44½	42	..	..
7	42½	36½	38	..	31½	26½	30	31	42	40	38	..	..
6¾	38	32½	34	30	28½	24	27½	28	38	36	34½	..	31
6½	34	28½	30½	..	25½	21½	25	25½	34½	32	31	..	..
6¼	30½	25½	27½	..	23	19	22½	23	31	28½	27½	..	..
6	27	22½	24½	..	20½	17	20	20½	27½	25	24	..	..
5¾	24	20	21½	..	18	15	17½	18	24	22	21	..	..
5½	21	17½	19	..	16	13	15½	16	21	19½	18½	..	16
5¼	18½	15½	16½	14	14	11½	13½	14	18½	17	16½	..	14

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5	16	13½	14	..	12	10	11½	12	16	15	14½	..	..
4¾	14	11½	12	..	10½	8½	10	10½	14	13	12½	9	10½
4½	12	10	10½	9	9	7½	8½	9	12	11	10½	8	9
4¼	10½	8½	9	..	7½	6½	7	7½	10½	9½	9	7	8
4	9	7	7½	..	6½	5½	6	6½	9	8	7½	6	7
3¾	7½	6	6	6	5½	4½	5	5½	7½	7	6½	5	6
3½	6	5	5	5	4½	3½	4	4½	6	6	5½	..	5
3¼	5	4	4	4	3½	3	3½	3½	5	..	4½	3½	4
3	4	3	3	3	3	2½	3	3	4	4	3½	3	3
2¾	3	2½	2½	2	2½	2	2½	2½	3	4	2½	2½	2½
2½	2	2	2	1½	2½	1½	2	2	2	2	2	2	2
2¼	1½	1½	1½	..	1½	1	1½	1½	1½	1½	1½	1½	1½
2	1	1	1	1	1	1	1	1	1	1	1	1	1
1¾	..	..	..	} ½	{ ..	..	..	..	..	..	..	..	} ½
1½	..	..	..		..	..	..	..	..	..	..	..	

B.P. 420, Sett., d. 14–12–99. B.P. 171, Sett , d. 24–4–00. B.P. 519. Sett., d. 19–11–00.

Note.—For diameters not exactly equal to those specified above, but falling between any two consecutive figures, the heaps should be calculated proportionately from those appearing against the said figures.

APPENDIX XIV.

[Standing Order No. 204, paragraph 16 (ii).]

Statement showing equivalents of weights in tolas of certain grains per volume of 100 fluid ounces.

Districts.	Rice.	Paddy.	Ragi.	Cholam.		Cumbu.	Varagu.		Varigalu.	Tenai or korralu.	Samai.	Horsegram.
				Ordinary.	Irungu.		Husked.	Unhusked.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Chingleput												
Madras						163						
South Arcot												
North Arcot						178						
Salem							194	150				
Coimbatore	192	142	175	184	160				190	175	180	200
Tiruchirappalli						163						
Tanjore												
Madurai												
Tirunelveli											180	
The Nilgiris				184	..	163	Not sold.					

B.P. 225, Sett., d. 25-7-99. B.P. 171, Sett., d. 24-4-00. B P. 314, Sett., d. 9-10-99. B.P. 519, Sett., d. 19-11-00. G.O. Ms. 2945, Rev. d. 26-7-56. B.P. Mis. 1686, d. 30-11-56. G.O. Ms. 112, Rev. d. 8-1-1957.

APPENDIX XV.

[Standing Order No. 204, paragraph 16 (v).]

Equivalence of Indian maunds and tons.

No. 1 Table for converting Indian maunds into tons at the rate of 82$\frac{2}{7}$ lb. per Indian maund.		No. 2. Table for converting tons into Indian maunds at the rate of 82$\frac{2}{7}$ lb. per Indian maund.	
Indian maunds.	Tons.	Tons.	Indian maunds.
1	·0367	1	27·2
2	·0735	2	54·4
3	·1102	3	81·6
4	·1469	4	108·8
5	·1837	5	136·1
6	·2204	6	163·3
7	·2571	7	190·5
8	·2939	8	217·7
9	·3306	9	244·9
10	·3673	10	272·2
20	·7347	20	544·4
30	1·1020	30	816·6
40	1·4694	40	1,088·8
50	1·8367	50	1,361·1
60	2·2041	60	1,633·3
70	2·5714	70	1,[illegible]05·5
80	2·9388	80	2,177·7
90	3·3061	90	2,449·9
100	3·6735	100	2,722·2
200	7·3469	200	5,444·4
300	11·0204	300	8,166·6
400	14·6939	400	10,888·8
500	18·3673	500	13,611·1
600	22·0408	600	16,333·3
700	25·7143	700	19,055·5
800	29·3878	800	21,777·7
900	33·0612	900	24,499·9
1,000	36·7347	1,000	27,2[illegible]2·2
2,000	73·4694	2,000	54,444·4
3,000	110·2041	3,000	81,[illegible]66·6
4,000	116·9388	4 000	108,888·8
5,000	183·6735	5,000	136,111·1
6,000	220·4082	6,000	163,333·3
7,000	257·1429	7,000	190,555·5
8,000	293·8776	8,000	217,777·7
9,000	330·6122	9,000	244,999·9
10,000	367 3469	10,000	272 222·2
20,000	734·6939	20,000	544,444·4
30,000	1,102·0408	30,000	816,666·6
40,000	1,469·3878	40,000	1,088,888·8
50,000	1,836·7347	50,000	1,361,111 1
60,000	2,204·0816	60,000	1,633,333·3
70,000	2,571·4286	70,000	1,905,555·5
80,000	2,938·7755	80,000	2,177,777·7
90,000	3,306·1224	90,000	2,449,999 9
100,000	3,673·4694	100,000	2,722,222·2

APPENDIX XVI.

[Standing Order No. 211, paragraph 2.]

I. Tender notice.

Tenders are invited for the lease of the right of fishing in the sources described in the annexed schedule for the period of from

In the case of sources that lie in or flow through municipal or panchayat board limits, the right of fishing shall be exercised within such limits subject to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the Madras District Boards Act, as the case may be.

2. Tenders should be delivered at the office of the before the day of 19 , and should be addressed to the in a sealed cover superscribed " Tender for fishery in ."

3. Each tender shall be accompanied by earnest money of Rs. in cash or currency notes which will be returned to the tenderers whose tenders are not accepted.

4. The tenders will be opened by in the presence of at on in the office of

5. The highest or any tender will not necessarily be accepted.

6. The officer opening the tenders may provisionally accept any tender but such provisional acceptance of a tender shall not constitute a binding agreement unless it is confirmed by in writing who reserves the right to refuse to confirm the same without assigning any reasons therefor. The successful tenderer will not be permitted to do any act under the acceptance of his tender until the same is confirmed by the and until the provisions contained in paragraphs 7, 8 and 9 below are complied with.

7. As soon as the provisional acceptance of the tender is intimated to the successful tenderer by the officer, who opened the tenders, the tenderer will be required to deposit forthwith a sum equal to 25 per cent of the lease amount for one year, if the lease is for a period of one year or more, or 25 per cent of the total lease amount if the lease is for a period of less than one year. In doing so he may deduct the earnest money remitted in accordance with the provisions of paragraph 3.

8. After obtaining from the successful tenderer a treasury receipt for the sum specified in paragraph 7 above or cash therefor, the officer, who provisionally accepted the tender, shall forward the tender (along with the other tenders) for confirmation to together with the intimation that a treasury receipt for the sum specified in paragraph 7 above or cash therefor has been received from the successful tenderer. The successful tenderer shall on receipt of the order of confirmation by the make further deposits as shown below and execute an agreement in the prescribed form which should be properly stamped in all cases. If however the successful tenderer is a panchayat board, agreements executed by it in respect of leases for one year and less need not be stamped but those for over one year should be properly stamped, while in the case of a co-operative society the agreements executed by it shall be exempt from stamp duty irrespective of the period of lease.

(1) When the lease is for a period not exceeding one year the lessee shall pay the entire balance of 75 per cent of the lease amount within seven days of receipt of the order of confirmation ; Appx. XVI.

(2) When the lease exceeds a year

(*a*) if the entire rental for the total period of the lease does not exceed Rs. 500, the lessee shall pay the entire balance of the amount within seven days of the receipt of the order of confirmation;

(*b*) if the entire rental for the total period of the lease exceeds Rs. 500 the lessee shall pay—

(i) the first year's rental within 7 days of the receipt of the order of confirmation, the 25 per cent advance made under paragraph 7 being adjusted towards the rental;

(ii) the rental due for the second and for every subsequent year in one sum within a date to be fixed by the Collector not exceeding two months from the commencement of the respective years.

9. The successful tenderer shall within 7 days of receipt of orders of confirmation deposit as security for the due fulfilment of the conditions of the lease a sum equal to 10 per cent of the total lease amount for the entire period of the lease. The security deposit will be refunded to him on the expiry of the full period of the lease, if the conditions of the lease have been duly fulfilled.

No deposit need however be made if the successful tenderer is a village panchayat or a co-operative society.

10. In the event of failure on the part of the person whose tender is accepted to comply with all or any of the provisions contained in paragraphs 7, 8 and 9 above, the lease will be cancelled, the right of fishing resold and the deposits already made will be forfeited. Resales so made will be at the risk of the defaulting tenderer who shall have no claim to the profit, if any, on account of such resale, and in the event of loss, shall be required to make good the difference between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the person whose tender is accepted at the resale. In the latter case, the forfeited deposits will be deducted from the amount of loss arising from the resale and the remainder, if any, with interest at 12 per cent per annum will be recoverable from him. Should, however, the forfeited deposits exceed the amount of loss by resale, the whole of such deposits will be credited to Government.

11. An appeal shall lie to the Collector of the district or the Revenue Divisional Officer of the division as the case may be against the order accepting or rejecting the tender within 15 days from the date of the order and the order of the Collector or the Revenue Divisional Officer thereon shall be final.

THE SCHEDULE.

II. Notice of sale.

Notice is hereby given that the right of fishing in the sources described in the annexed schedule for a period of from will be sold in public auction by the

at on the

day of 19 at o'clock

subject to the conditions hereinafter set forth.

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In the case of sources that lie in or flow through municipal or panchayat board limits the right of fishing shall be exercised within such limits subject to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the Madras District Boards Act, as the case may be.

Conditions of sale.

1. Any person intending to bid must deposit a sum of Rs.   with the selling officer on or before the date of sale. No person will be admitted to the auction room unless he has made the deposit. No one will be allowed to bid for another person unless he holds a power-of-attorney from him. The sale will ordinarily be knocked down to the highest bidder, but the right is reserved to the officer conducting the sale to reject any bid without assigning any reason therefor. The deposits made by unsuccessful bidders will be returned to them at the close of the sale. The sale will not be considered complete unless it is confirmed by the
who reserves the right to refuse to confirm the sale without assigning any reasons therefor. The successful bidder will not be permitted to do any act under the lease until the sale is confirmed by the
and until conditions 2, 3 and 4 below are fulfilled. If however no orders are passed by
(confirming authority) within one month from the date of the last sale, it may be taken that he has confirmed that sale.

2. Immediately after a bid is accepted by the officer conducting the sale, the successful bidder shall deposit on the spot a sum equal to 25 per cent of the lease amount for one year if the lease is for a period of one year or more, or 25 per cent of the total lease amount, if the lease is for a period of less than one year. In doing so, he may deduct the initial deposit made by him under condition 1.

3. After obtaining from the successful bidder the sum specified in condition 2 above, the officer who accepted the bid shall forward it (along with the auction records) for confirmation to
together with the intimation that the sum specified in condition 2 above has been received from the successful bidder. The successful bidder shall, on receipt of the order of confirmation by the
make further deposits as shown below and execute an agreement in the prescribed form.

If, however, the successful bidder is a panchayat board, agreements executed by it in respect of leases for one year and less need not be stamped but those for over one year should be properly stamped, while in the case of a co-operative society the agreements executed by it shall be exempt from stamp duty irrespective of the period of lease.

(1) When the lease is for a period not exceeding one year the lessee shall pay the entire balance of 75 per cent of the lease amount within seven days of receipt of order of confirmation ;

(2) When the lease exceeds a year

(*a*) if the entire rental for the total period of the lease does not exceed Rs. 500, the lessee shall pay the entire balance of the amount within seven days of the receipt of the order of confirmation ;

(b) if the entire rental for the total period of the lease exceeds Rs. 500, the lessee shall pay Appx. XVI.

(i) the first year's rental within 7 days of the receipt of order of confirmation, the 25 per cent advance made under condition 2 being adjusted towards the rental;

(ii) the rental due for the second and for every subsequent year in one sum within a date to be fixed by the Collector not exceeding two months from the commencement of the respective years.

4. The successful bidder shall within 7 days of receipt of orders of confirmation deposit as security for the due fulfilment of the conditions of the lease a sum equal to 10 per cent of the total lease amount for the entire period of the lease. This sum will be refunded to him on the expiry of the said period, if the conditions of the lease have been duly fulfilled. No deposit need however be made if the successful bidder is a village panchayat or a co-operative society.

5. The officer conducting the sale may hold two sales for the same fishery, one for one year or less and the other for three years. The officer authorized to confirm the sale under Clause 1 may at his discretion confirm either of these sales.

In respect of leases of fishing rights in the waters taken over by the Industries department, each lease will be put up to auction separately at an upset price which shall be fixed by the selling officer at the time of sale, and will be knocked down to the highest bidder above that price, subject to the orders of the officer to whom is reserved the power to confirm or refuse to confirm the acceptance of any bid as he thinks fit. The officer authorized to confirm the sale may postpone passing orders confirming or refusing to confirm the acceptance of any bid and direct that the sale shall be continued from the point at which it was last left. In such cases, the sale shall begin with the bid previously accepted by the selling officer and if a higher bid is accepted by the selling officer the bid with which the sale began shall lapse. But if no higher bid is accepted by the selling officer, the matter shall be reported to the confirming officer for orders.

If any bidder, the acceptance of whose bid has been confirmed, fails to take up the lease, and in consequence of such failure, the lease has to be confirmed at a lower bid, the defaulter shall be liable to pay to the Government the difference between the two bids.

It will be in the discretion of the selling officer to allow as many joint bidders in respect of a fishery as he may see fit.

6. In the event of failure on the part of the successful bidder to comply with all or any of the conditions 2, 3 and 4 above, the sale will be cancelled, the right of fishing resold and the deposits already made will be forfeited. Resales under this condition will be at the risk of the defaulting bidder who will have no claim to the profit, if any, on account of such resale and, in the event of loss will be required to make good the difference between the total amount payable for the whole period under the term of the original sale and the total amount payable by the successful bidder at the resale. In the latter case, the forfeited deposits will be deducted from the amount of loss arising from the resale and the remainder, if any, with interest at 12 per cent per annum will be recoverable from him. Should, however, the forfeited deposits exceed the amount of loss by resale, the whole of such deposits will be credited to Government.

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7. An appeal shall lie to the Collector of the district or the Revenue Divisional Officer of the division, as the case may be, against the order of confirmation or otherwise of the sale within 15 days from the date of the order and the order of the Collector or the Revenue Divisional Officer thereon shall be final.

THE SCHEDULE.

G.O. Ms. 1209, Rev., d. 27-5-35.	B.P. Press, 74, d. 17-6-35.
G.O. Ms. 1210, (14-S) Dev., d. 29-6-41.	B.P. Press, 92, d. 9-9-41.
G.O. Ms. 2034, Rev., d. 2-9-41.	B.P. Press, 98, d. 15-9-41.
G.O. Ms. 1869, Dev., d. 14-10-41.	B.P. Press, 133, d. 4-12-41.
G.O. Ms. 2606, Rev., d. 2-11-35.	B.P Press, 153, d. 21-11-35.
G.O. Ms. 1362, Dev., d. 4-10-35.	B.P. Press, 135, d. 14-10-35.
G.O. Ms. 2902, Rev., d. 6-12-35.	B.P. 167, d. 14-12-35.
B.P. 24, Press, d. 6-3-41.	
G.O. Press, 3696, Rev. d. 1-10-56.	B.P. Mis. 1687, d. 30-11-56.
G.O. Ms. 500, Rev., d. 1-2-1957.	B.P. Press, 8, 4-5-57.

APPENDIX XVII.

[Standing Order No. 211, paragraphs 1 (v) and 2.]

(i) *Rivers, Natural Streams, Canals, Channels and Drains Fishery.*

AGREEMENT made the day of 19 between the Governor of Madras (hereinafter called the lessor) of the one part and son of

residing in the village of
in the taluk of
in the district of

(hereinafter called the lessee) which expression shall include his heirs, executors, administrators, legal representatives and assigns of the other part witnesseth as follows :—

1. In consideration of the sum of Rs. on or before the execution of these presents paid by the lessee whose bid at the sale held on the day of 19 was accepted by or and on behalf of the lessor and in consideration of the deposit made and agreements by the lessee hereinafter contained the lessor hereby grants to the lessee the sole right and liberty by himself, his fishermen and servants to fish for capture take and carry away all kinds of fish in the source of fishery more particularly described in the schedule hereunder written and delineated in the map hereunto annexed and subject as hereinafter is provided for the term of years months commencing from the day of 19 yielding and paying therefor during the said term.

2. The lessee agrees with the lessor as follows:—

(*a*) Not to moor any boat or boats to any bund or revetment.

(*b*) Not to open or shut any sluice in or belonging to the said source of fishery, not to attach nets or other contrivances to masonry structures revetments, beams, gauge posts, shuttler, etc., not to use fixed engines or cruives at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or drainage of any land under the Government works and not to fish or to cause fishing so as to cause damage to any Government works.

(*c*) Not to scrape clean or dry fish within Public Works Department limits.

(*d*) Not to erect any bunds fences or traps in any irrigation channel or drain (whether artificial natural or unmaintained).

(*e*) (i) Not to fish by the planting of stake nets or in any such way as to obstruct a public line of navigation.

(ii) Not to plant stakes in the bed of any source governed by the River Conservancy Act except with the previous permission of the Conservator of Rivers in writing.

(*f*) To pay the lessor of the cost of any damage done to Government property.

(*g*) To conform to all the fishery conditions notified in the proclamation of sale held on the day of 19 .

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(*h*) Not to use in the exercise of the rights hereby granted any dynamite or other explosive substance or put occulus indicus poison lime or noxious material into the said source of fishery.

(*i*) Not to claim any compensation for any loss sustained, whenever, in the interests of irrigation, the officer of the Public Works Department run-dry the source of the said fishery or alter the water level in it.

(*j*) Not to claim any compensation for any loss sustained, whenever, in the interests of irrigation or conservancy the officers of the Public Works Department construct any protective works in it.

(*k*) To permit the lessor and his agents to enter at all reasonable times to view the state and condition of the said source of fishery.

(*l*) Not to open or shut any sluice in or belonging to the said source of fishery and not to use fixed engines or cruives at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or drainage of any land under the Government works.

(*m*) Not to assign underlet or part with the possession or enjoyment of the said rights or any part thereof without the consent in writing of the Revenue Divisional Officer of for the time being first had and obtained.

(*n*) Not to damage any Government works.

(*o*) To be responsible for the due fulfilment of the agreements herein contained by his agents servants workmen.

(*p*) To deposit a sum equal to 10 per cent of the rent hereby reserved with the lessor as security for the performance of the obligations on his part herein contained the same to be repayable after the expiry of the term herein before mentioned if the said obligations have been duly fulfilled.

(*q*) That in the event of failure on the part of the lessee to comply with the condition to make a deposit as provided in clause 2 (*p*) or to pay the rent as provided in clause 1 above :—

(i) that the lessor may cancel the lease, forfeit the deposits already made under the said clauses and resell the right of fishing ;

(ii) that such resale will be at the risk of the lessee who will have no claim to the profit, if any, on account of such resale ;

(iii) that in the event of loss, the lessee will be required to make good the difference between the total amount payable for the whole period under the terms of the lease and the total amount payable by the successful bidder at the resale ;

(iv) that in the latter case, the forfeited deposits will be deducted from the amount of loss arising from the resale and the remainder if any with interest at 12 per cent per annum shall be recoverable from the lessee ;

(v) that if the forfeited deposits exceed the amount of loss by resale the whole of such deposits will be credited to Government ; and

(vi) that interest at 12 per cent per annum shall be recoverable from the lessee on the amount of rents which are not paid as provided in clause (1).

(*r*) That if and whenever there shall be a breach of any of the lessee's agreement the lessor or any officer or servant of the lessor may re-enter upon any part of the said source of fishery in the name of the whole and thereupon the said rights hereby granted shall cease and determine and the lessee shall not be entitled to any compensation therefor.

(s) That in case of any question or dispute arising between the parties hereto touching these presents or any matter or thing herein contained or referred to, then and in every such case the matter or question or thing in dispute shall be referred to the Collector of the district. The decision of the said Collector thereon shall be final, conclusive and altogether operative and binding upon the parties hereto. **Appx. XVII.**

3. And the lessor agrees with the lessee (a) that the lessee performing and observing the agreements hereinbefore on his part containing may peaceably hold the said premises during the said term without any interruption by the lessor or any person deriving title from him subject, however to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the Madras District Boards Act as the case may be in the case of sources that flow through municipal or panchayat board limits, (b) to refund the sum of Rs. deposited by the lessee on or before the execution of these presents on the expiry of the full period of the lease if the conditions of the lease have been duly fulfilled.

In witness whereof acting for and on behalf of the lessor and the lessee have hereunto set their respective hands the day and year first above written.

The schedule above referred to

Signed by the above named in the presence of

Signed by the above named in the presence of

Sub-clause (m) to be omitted when the rental is below Rs. 200.

G.O. Ms. 2348, Rev., d. 16-10-41.	B.P. Press 118, d. 28-10-41.
G.O. Ms. 2004, Rev., d. 2-9-41.	B.P. Press 98, d. 15-9-41.
G.O. Ms. 1209, Rev., d. 27-5-35.	B.P. Press 74, d. 17-6-35.
G.O. Ms. 2642, Rev., d. 3-10-50.	B.P. Press 32, d. 14-10-50.
G.O. Ms. 806, Dev., d. 28 3-38.	B.P. Press 28, d. 21-4-38.
G.O. Ms. 2177, Rev., d. 5-10-36.	B.P. Press 133, d. 10-10-36.
G.O. Ms. 1041, Dev., d. 27-7-35.	B.P. Press 98, d. 2-8-35.
G.O. Ms. 2606, Rev., d. 2-11-35.	B.P. Press 153, d. 21-11-35.

(ii) *Tank fishery.*

AGREEMENT made the day of 19 between the Governor of Madras (hereinafter called the lessor) of the one part and son of residing in the village of in the taluk of in the district of (hereinafter called the lessee which expression shall include his

ADDX. XVII. heirs, executors, administrators, legal representatives and assigns) of the other part witnesseth as follows :—

1. In consideration of the sum of Rs. on or before the execution of these presents paid by the lessee whose bid was accepted at the sale held on the day of 19 by for and on behalf of the lessor and in consideration of the deposit made and agreements by the lessee hereinafter contained the lessor hereby grants unto the lessee the sole right and liberty by himself, his fishermen and servants to fish for capture and take away all kinds of fish in the tank situated at in the district of and in the schedule hereunder written more particularly mentioned and described and in the said tank within yards from the cisterns of the head sluices of the said tank for the term of year/months commencing from the day of yielding and paying therefor during the said term.

2. The lessee agrees with the lessor as follows :—

(1) Not to open or shut any sluice in or belonging to the said source of fishery, not to attach nets or other contrivances to masonry structures, revetments, beams, gauge posts, shuttlers, etc., not to use fixed engines or cruives at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or drainage of any land under the Government works and not to fish or to cause fishing so as to cause damage to any Government works.

(2) Not to moor any boat or boats to any bund or revetment.

(3) Not to erect within Public Works Department limits any sheds or other structures nor to make fires or allow fires to be made near existing buildings.

(4) Not to scrape, clean or dry fish within Public Works Department limits.

(5) Not to use in the exercise of the rights hereby granted any dynamite or other explosive substance or put occulus indicus poison lime or noxious material into the said tank.

(6) Not to open or shut any sluice belonging to the said tank whether for the exercise of the said right or privilege of fishing or for any other purpose whatsoever.

(7) To make good to the lessor on demand all costs, damages and expenses incurred by him by reason of any damage done by the lessee, his fishermen or servants to the said tank or to any earthwork, masonry work, supply channel, distribution channel, waste weir or other work belonging thereto or connected therewith or by reason of any breach of any of the agreements by the lessee herein contained.

(8) To conform to all the fishery conditions notified in the proclamation of the sale held on the day of 19 .

(9) Not to claim any compensation for any loss sustained, whenever in the interests of irrigation the officers of Government run-dry the tank or alter the water level in it.

(10) Not to claim any compensation for any loss sustained, whenever in the interests of irrigation or conservancy, the officers of Government construct any protective works in it.

(11) To permit the lessor and his agents to enter at all reasonable times to view the state and condition of the said tank.

(12) Not to assign underlet or part with the possession or enjoyment of the said right of fishing or any part thereof without the consent in writing of the Revenue Divisional Officer of   for the time being first had and obtained. Appx.

(13) To be responsible for the due fulfilment of the agreements herein contained by his agents, servants, workmen.

(14) To deposit a sum equal to 10 per cent of the rent hereby reserved with the lessor as security for the performance of the obligations on his part herein contained the same to be repayable after the expiry of the term hereinbefore mentioned if the said obligations have been duly fulfilled.

(15) That in the event of failure on the part of the lessee to comply with the conditions to make a deposit as provided in clause 2 (14) or to pay the rent as provided in clause 1 above :—

(i) that the lessor may cancel the lease, forfeit the deposits already made under the said clauses and resell the right of fishing ;

(ii) that such resale will be at the risk of the lessee who will have no claim to the profit, if any, on account of such resale.

(iii) that in the event of loss, the lessee will be required to make good the difference between the total amount payable for the whole period under the terms of the lease and the total amount payable by the successful bidder at the resale ;

(iv) that in the latter case, the forfeited deposits will be deducted from the amount of loss arising from the resale and the remainder, if any, with interest at 12 per cent per annum shall be recoverable from the lessee ;

(v) that if the forfeited deposits exceed the amount of loss by resale the whole of such deposits will be credited to Government ; and

(vi) that interest at 12 per cent per annum shall be recoverable from the lessee on the amount of rents which are not paid as provided in clause (1).

(16) That if and whenever there shall be a breach of any of the lessee's agreements herein contained the lessor or any officer or servant of the lessor may re-enter upon any part of the said tank in the name of the whole and thereupon the said rights hereby granted shall cease and determine and the lessee shall not be entitled to any compensation therefor.

(17) That in case of any question or dispute arising between the parties hereto touching these presents or any matter or thing herein contained or referred to then and in every such case the matter or question or thing in dispute shall be referred to the Collector of the district. The decision of the said Collector thereon shall be final and conclusive and altogether operative and binding upon the parties hereto.

3. And the lessor agrees with the lessee (*a*) that the lessee performing and observing the agreements hereinbefore on his part contained may peaceably hold the said premises during the said term without any interruption by the lessor or any person deriving the title from him, subject however to the provisions of section 228 of the Madras District Municipalities Act, or section 124 of the Madras District Boards Act, as the case may be, in the case of tanks, situated wholly or partly in municipal or panchayat board limits ; (*b*) to refund the sum of Rs.   deposited by the lessee on or before the execution of these presents on the expiry of the full period of the lease if the conditions of the lease have been duly fulfilled.

Appx. XVII.

In witness whereof acting for and on behalf of the lessor and the lessee have hereunto set their respective hands the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO.

Signed by the abovenamed in the presence of. }

Signed by the abovenamed in the presence of. }

Sub-clause (12) to be omitted when the rental is below Rs. 200.

G.O. Ms. 1209, Rev., d. 27-5-35.	B.P. Press 74, d. 17-6-35.
G.O. Ms. 2004, Rev., d. 2-9-41.	B.P. Press 98, d. 15-9-41.
G.O. Press 3696, Rev., d. 1-10-56.	B.P. Ms. 1687, d. 30-11-56.
G.O. Ms. 2642, Rev., d. 3-10-50.	B.P. Press 2 d. 14-10-50.
G.O. Ms. 806, Dev., d. 28-3-38.	B.P. Press 38, d. 21-4-38.
G.O. Ms. 2177, Rev., d. 5-10-36.	B.P. Press 133, d. 10-10-36.
G.O. Ms. 1041, Dev., d. 27-7-35.	B.P. Press 98, d. 2-8-35.
G.O. Ms. 260[illegible], Rev., d. 2-11-35.	B.P. Press 153, d. 21-11-35.
G.O. Ms. 2348, Rev., d. 16-10-41.	B.P. Press 118, d. 28-10-41.

APPENDIX XVIII.

[Standing Order No. 211, paragraph 2.]

I.—Tender Notice.

Tenders are invited for the purchase of the sole right and liberty by himself his agents or his fishermen and servants to fish for capture and take away all kinds of fish in the tank/s situated at in the district of and described in the annexed schedule for a period of from the day of 19 subject to the conditions hereinafter set forth.

In the case of tanks situated wholly or partly in municipal or panchayat board limits the right of fishing shall be exercised within such limits subject to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the Madras District Boards Act as the case may be.

2. Tenders shall be delivered at the office of the before the day of 19 and shall be addressed to the in a sealed cover superscribed "*Tender for the purchase of the right of fishing in* ."

3. Each tender shall be accompanied by earnest money of Rs. in cash or currency notes which will be returned to the tenderers whose tenders are not accepted.

4. The tenders will be opened by in the presence of at on the day of in the office of

5. The highest or any tender will not necessarily be accepted.

6. The officer opening the tenders may provisionally accept any tender, but such provisional acceptance of a tender shall not constitute a binding agreement unless it is confirmed in writing by who reserves the right to refuse to confirm the same without assigning any reasons therefor. The successful tenderer will not be permitted to do any act under the acceptance of his tender (i) until the same is confirmed by the and the time for preferring an appeal against such confirmation under paragraph 15 below has expired or in case such an appeal has been preferred, until it is disposed of; and (ii) unless and until the provisions contained in paragraphs 7 and 8 below are complied with.

7. On the provisional acceptance of the tender being intimated to him by the officer who opens the tenders, the successful tenderer shall forthwith deposit at the treasury a sum equal to 25 per cent of the purchase amount—

8. The tenderer whose tender has been finally accepted shall, within seven days of the receipt of the order of confirmation

(i) pay the entire balance of 75 per cent of the purchase amount after deducting the amount already paid as earnest money under paragraph 3 into the treasury; and

(ii) also deposit therein a sum equal to ten per cent of the purchase amount as security for the due fulfilment of the conditions herein.

The amount deposited as security will be refunded to the purchaser on the expiry of the period for which fishery rights have been sold if the conditions herein have been duly fulfilled.

(iii) If the lease amount exceeds Rs. 25, the successful bidder/tenderer should execute an agreement in the prescribed form.

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9. No deposit need, however, be made by way of security if the successful tenderer is a village panchayat or a co-operative society.

10. In the exercise of the licence and liberties conferred on the purchaser—

(1) he shall make good to the Governor of Madras (hereinafter called the Governor) on demand all costs damages and expenses incurred by him by reason of any damage done by the purchaser his agents or his fishermen or servants to the said tank/s or to any earthwork masonry work supply channel distribution channel waste weir or other work belonging thereto or connected therewith or by reason of any breach of any of the conditions by the purchaser herein contained;

(2) he shall permit the officers of Government to enter at all reasonable times to view the state and condition of the said tank/s ;

(3) he shall be responsible for the due fulfilment of the conditions herein contained by his agents, fishermen or servants;

(4) he shall not drain the said tank/s or any portion of the water thereof or use fixed engines or cruives at sluices for the purpose of capturing fish or do any other act that may affect adversely the irrigation or the drainage of any lands under any Government works ;

(5) he shall not moor any boat or boats, to any bund or revetment ;

(6) he shall not erect within the limits of the tank/s or of any adjoining Government land any shed/s or other structure or light fires or allow fires to be lit near existing buildings within the said limits ;

(7) he shall not scrape, clean or dry fish within the limits referred to in the preceding sub-paragraph ;

(8) he shall not use any dynamite or other explosive substance or put occulus indicus poison lime or noxious material into the said tank/s ;

(9) he shall not open or shut any sluice belonging to the said tank/s whether for the exercise of the said right or privilege of fishing or for any other purpose whatsoever ;

(10) he shall not claim any compensation for any loss sustained whenever in the interests of irrigation the officers of Government empty the tank or alter the water level in it ;

(11) he shall not assign underlet or part with the possession or enjoyment of the said right of fishing or any part thereof without the consent in writing of the Revenue Divisional Officer of for the time being first had and obtained ; and

(12) he shall not damage any Government works.

11. That if and when there is a breach of any of the conditions by the purchaser herein contained any officer of Government duly authorized in that behalf may re-enter upon any part of the said tank in the name of the whole and thereupon the rights hereby granted shall cease and determine and the purchaser shall not be entitled to any compensation therefor.

12. That in case of any question or dispute arising between the parties hereto touching these conditions or any matter or thing herein contained or referred to then and in every such case the matter or question or thing in dispute shall be referred to the Collector of the district. The decision of the Collector thereon shall be final and conclusive and altogether operative and binding upon the parties hereto.

13. On performing and observing the conditions hereinbefore contained the purchaser may peaceably enjoy the rights hereby granted during the term aforesaid without any interruption by the Governor or any person deriving title from him. Appx. XVIII.

14. In the event of failure on the part of the purchaser whose tender is accepted to comply with all or any of the conditions herein contained the rights hereby granted will be determined, the deposits already made forfeited, and the right of fishing resold by public auction or private sale. Resales so made will be at the risk of the purchaser who shall have no claim to the profit, if any, on account of such resale and in the event of loss, shall be required to make good the difference between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the person whose tender is accepted at the resale. In the latter case, the forfeited deposits will be deducted from the amount of loss arising from the resale and the reminder, if any, with interest at 12 per cent per annum will be recoverable from him. Should, however, the forfeited deposits exceed the amount of loss by resale, the whole of such deposits shall be credited to Government.

15. An appeal shall lie to the Collector of the district / Revenue Divisional Officer of the division against the order accepting or rejecting the tender within seven days from the date of the order and the order of the Collector / Revenue Divisional Officer thereon shall be final.

THE SCHEDULE ABOVE REFERRED TO.

STATION, }
Dated } *Signature of Officer.*

II.—Notice of Sale.

Notice is hereby given that the sole right and liberty by himself his agents or his fishermen and servants to fish for, capture, and take away all kinds of fish in the tank/s situated at in the district of and described in the annexed schedule for a period of from the day of 19 will be sold in public auction by the at on the day of 19 at o'clock subject to the conditions hereinafter set forth. In the case of tanks situated wholly or partly in municipal or panchayat board limits, the right of fishing shall be exercised within such limits subject to the provisions of section 228 of the Madras District Municipalities Act or section 124 of the Madras District Boards Act as the case may be.

Conditions of Sale.

1. Every person intending to bid must deposit as earnest money a sum of Rs. with the officer conducting the sale on or before the date of sale. No person will be admitted to the auction room unless he has made the deposit. No one will be allowed to bid for another person unless he holds a power-of-attorney from such person. The sale will ordinarily be made to the highest bidder, but the right is reserved to the officer conducting the sale to reject any bid without assigning any reasons therefor. The deposits made by unsuccessful bidders will be returned to them at the close of the sale. The

App. XVIII. sale will not be considered complete unless it is confirmed in writing by the who reserves the right to refuse to confirm the sale without assigning any reasons therefor. The successful bidder will not be permitted to do any act in pursuance of the bid—

(i) until the sale is confirmed by the and the time for preferring an appeal against such confirmation under paragraph 10 below has expired or in case such an appeal has been preferred, until it is disposed of; and

(ii) unless and until the conditions contained in paragraphs 2 and 3 below are complied with.

If however no orders are passed by confirming authority) within one month from the date of the last sale, it may be taken that he has confirmed that sale.

2. Immediately after a bid is accepted by the Officer conducting the sale, the successful bidder shall deposit on the spot a sum equal to 25 per cent of the amount of the bid.

3. The successful bidder shall within seven days of the receipt of the order of confirmation by the

(i) pay the entire balance or 75 per cent of the amount of the bid after deducting the earnest money deposited by him under condition 1 into the Treasury, and

(ii) also deposit therein a sum equal to 10 per cent of the amount of the bid as security for the due fulfilment of the conditions herein; the amount deposited as security will be refunded to the purchaser on the expiry of the period for which fishery rights have been sold, if the conditions herein have been duly fulfilled.

(iii) If the lease amount exceeds Rs. 25 the successful bidder tenderer, should execute an agreement in the prescribed form.

4. No deposit need, however, be made by way of security if the successful bidder is a village panchayat or a co-operative society.

4-A. In respect of leases of fishing rights in the waters taken over by the Industries department, each lease will be put up to auction separately at an upset price which shall be fixed by the selling officer at the time of sale, and will be knocked down to the highest bidder above that price, subject to the orders of the officer to whom is reserved the power to confirm or refuse to confirm the acceptance of any bid as he thinks fit. The officer authorized to confirm the sale may postpone passing orders confirming or refusing to confirm the acceptance of any bid and direct that the sale shall be continued from the point at which it was last left. In such cases, the sale shall begin with the bid previously accepted by the selling officer, and if a higher bid is accepted by the selling officer, the bid with which the sale began shall lapse. But if no higher bid is accepted by the selling officer, the matter shall be reported to the confirming officer for orders.

If any bidder, the acceptance, of whose bid has been confirmed fails to take up the lease and in consequence of such failure, the lease has to be confirmed at a lower bid, the defaulter shall be liable to pay to the Government the difference between the two bids.

It will be in the discretion of the selling officer to allow as many joint bidders in respect of a fishery as he may see fit.

5. In the exercise of the licence and liberties conferred on the purchaser, Appx. XVIII.

(1) he shall make good to the Governor of Madras (hereinafter called the Governor) on demand all cost damages and expenses incurred by him by reason of any damage done by the purchaser his agents or his fishermen or servants to the said tank/s or to any earthwork masonry work, supply channel, distribution channel waste weir or other work belonging thereto or connected therewith or by reason of any breach of any of the conditions by the purchaser herein contained;

(2) he shall permit the officers of Government to enter at all the reasonable times to view the state and condition of the said tank/s;

(3) he shall be responsible for the due fulfilment of the conditions herein contained by his agents, fishermen, or servants;

(4) he shall not drain the said tank/s or any portion of the water thereof or use fixed engines or cruives at sluice for the purpose of capturing fish or do any other act that may affect adversely the irrigation or the drainage of any lands under any Government works;

(5) he shall not moor any boat or boats to any bund or revetment;

(6) he shall not erect within the limits of the tank/s or any adjoining Government land any shed or other structure or light fires or allow fires to be lit near existing buildings within the said limits;

(7) he shall not scrape, clean or dry fish within the limits referred to in the preceding sub-paragraph;

(8) he shall not use any dynamite or other explosive substance or put cocculus indicus poison lime or noxious material into the said tank/s;

(9) he shall not open or shut any sluice belonging to the said tank/s whether for the exercise of the said right or privilege of fishing or for any other purpose whatsoever;

(10) he shall not claim any compensation for any loss sustained whenever in the interests of irrigation, the officers of Government empty the tank or alter the water level in it;

(11) he shall not assign underlet or part with the possession or enjoyment of the said right of fishing or any part thereof without the consent in writing of the Revenue Divisional Officer of for the time being first had and obtained; and

(12) he shall not damage any Government works.

6. That if and when there is a breach of any of the conditions by the purchaser herein contained any officer of Government duly authorized in that behalf may re-enter upon any part of the said tank in the name of the whole and thereupon the rights hereby granted shall cease and determine and the purchaser shall not be entitled to any compensation therefor.

7. That in case of any question or dispute arising between the parties hereto touching these conditions or any matter or thing herein contained or referred to then and in every such case the matter or question or thing in dispute shall be referred to the Collector of the district. The decision of the Collector thereon shall be final and conclusive and altogether operative and binding upon the parties hereto.

8. On performing and observing the conditions hereinbefore contained the purchaser may peaceably enjoy the rights hereby granted during the said term aforesaid without any interruption by the Governor or any person deriving title from him.

Appx. XVIII.

9. In the event of failure on the part of the purchaser to comply with all or any of the conditions herein contained the rights hereby granted will be determined, the deposits already made forfeited, and the right of fishing resold by public auction or private sale. Resales under this condition will be at the risk of the purchaser who shall have no claim to the profit, if any, on account of such resale, and, in the event of loss, shall be required to make good the difference between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the resale. In the latter case the forfeited deposits will be deducted from the amount of loss arising from the resale and the remainder, if any, with interest at 12 per cent per annum will be recoverable from him. Should however the forfeited deposits exceed the amount of loss by resale the whole of such deposits shall be credited to Government.

10. An appeal shall lie to the $\frac{\text{Collector of the district}}{\text{Revenue Divisional Officer of the division}}$ against the order of confirmation or otherwise of the sale within seven days of the order and the order of the $\frac{\text{Collector}}{\text{Revenue Divisional Officer}}$ thereon shall be final.

THE SCHEDULE ABOVE REFERRED TO.

STATION,
Dated } *Signature of Officer.*

G.O. Ms. 2125, Dev., d. 24-11-36. B.P. Mis. 4233, d. 7-12-36.
B.P. Press 59, d. 28-5-37.

B.P. 24, Press d. 6-3-41.

G.O. Ms. 806, Dev., d. 28-3-38. B.P. Press 38, d. 21-4-38.
G.O. Ms. 1210. (14-S) Dev., d. 29-6-41. B.P. Press 92, d. 9-9-41.
B.P. Press 1, d. 6-1-41.

G.O. Ms. 2004, Rev., d. 2-9-41. B.P. Press 98, d. 15-9-41.
G.O. Press 3596, Rev., d. 1-10-56. B.P. Ms. 1687, d. 30-11-56.
G.O. Ms. 500, Rev., d. 1-2-57. B.P. Press 8, d. 4-5-57.

APPENDIX XIX.

[Standing Order No. 213, paragraph 6.]

Instructions regarding appeals and forms of notice, register, etc.

Appeals.

1. An appeal presented under section 6 of the Act shall not be received unless it is accompanied by the original notice served on the appellant by the inspecting officer. Similarly an appeal under section 12 shall be accompanied by a copy of the award transmitted to the appellant by the valuing officer. It shall set forth clearly the objection or objections to the terms of the notice and shall specify the point or points on which redress is sought.

2. In dealing with appeals under section 6, 8 or 12 of the Act the appellate officer shall record his decision in writing and communicate a copy thereof free of charge to the appellant.

3. The notice issued under section 6 of the Act shall be in Form A annexed hereto and the inspecting officer shall maintain a register of notices in Form B annexed hereto.

4. Every notice under section 6 or 9 (1) shall be authenticated by the signature of the officer by whom it is issued. The notice shall be served by delivering a copy to the occupier or to some adult male member of his family at his usual place or abode or to his authorized agent or by affixing a copy thereof in some conspicuous part of the land on which the prescribed remedial or preventive measures are to be taken.

5. The notice of demand under section 8 of the Act shall be in Form C annexed hereto and shall be served in the manner prescribed for the service of notices by all the inspecting officers excepting the village officer and a copy of it shall be communicated to the village officer and the taluk office. The inspecting officers will maintain two registers in Forms D and E annexed hereto.

6. Form F annexed hereto may be used in respect of budrot operations only.

G.O. Ms. 2945, Rev, d. 26-7-1956.
B. P. Mis. 1686, d. 30-11-1956.

ANNEXURE.

FORM A.

Notice under section 6 (1) of the Act.

No.

Date.

To village taluk district.

You are hereby required to take notice that you should carry out the following measures in respect of the plants described in the schedule hereunder and growing or situated in the fields therein mentioned and under your occupation in the village of the taluk in the district within days from the date of the service of this notice. If you object to this notice you may prefer an appeal along with this notice to the Tahsildar of taluk within seven days from the service of this notice setting forth the grounds of objection and the points for redress. The decision of that officer will be final. If you fail to comply with this notice, or, in case of appeal, with the order of the appellate officer, the undersigned is authorized by law to carry out at your expense the measures ordered and you will also be liable to a fine not exceeding Rs. 50 or in case of default to simple imprisonment for a period not exceeding ten days.

Inspecting Officer,

Appx. XIX.

Schedule.

Serial number of notice. (1)	Survey number and subdivision number to which notice relates. (2)	Name of occupier. (3)	Description of the plants or parts of plants or insects to be destroyed. (4)	Measures to be carried out. (5)

Note.—Sections 6, 7 and 14 of the Act and the remedial measures specified in the notification issued under section 3 (*b*) and (*c*) should be printed on the reverse of the notice.

FORM B.

Register of notices under section 6.

1 Serial number of notice.

2 Village.

3 Survey and subdivision number to which notice relates.

4 Name of the occupier.

5 Description of the plants or parts of plants or insects to be destroyed.

6 Date of service of notice.

7 How served.

8 Date of the expiry of appeal time.

9 Order of the appellate officer.

10 Date of expiry of the period allowed by the Inspecting Officer or in case of an appeal of the period specified by the appellate officer.

11 Whether the prescribed measures are executed by the occupier or by the Inspecting Officer and in the latter case, date of execution.

12 Remarks.

FORM C.

Notice of demand to *of* *village in* *taluk.*

Take notice that an expenditure of Rs. of which the details are annexed has been incurred in carrying out the prescribed remedial measures in survey number of village and that you are required to pay the amount within 30 days of the date of service of this notice. The amount may be paid to the village headman or remitted to the taluk treasury.

If you object to this notice you may prefer an appeal to the Collector within 30 days from the date of service of this notice on the grounds specified in section 8 of the Act printed on the reverse.

Inspecting Officer.

Appx. XIX.

Annexure.

(Here enter details of cost.)

Note.—Section 8 of the Act should be printed on the reverse of the demand form.

FORM D.

Village.

Survey and subdivision number.

Name of the occupier.

Number and date of the notice issued by the Inspecting Officer to carry out the measures.

Date on which the remedial measures were carried out by the Inspecting Officer.

Cost in detail of the measures taken.

Date of despatch of demand to the village officer and the taluk office.

Date of receipt of copy of demand notice by the village officer.

Remarks.

FORM E.

Inspecting Officer's return.

District

Taluk

Village.	Location of affected field or area.	Survey number and subdivision number.	Full name and address of occupier.	Number marked on or other descriptions of affected plant or area.	Number and date of notice issued by the Inspecting Officer.	Date of expiry of appeal time.	Number of plants or area so far operated by		Number of plants or area remaining to be operated at the beginning of the month.	Number of plants or area operated during the month.	Balance remaining at the end of the month.	Remarks.
							Occupier.	Inspecting Officer.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Note.—When using this form for budrot operation give details of dead trees, diseased trees and trees within a radius of 50 yards under columns (4), (9), (10) and (11).

FORM F.

district, taluk, No. village.

Statement showing the summary of work done for the control of budrot of palm.

19 . (Year) Month.

(This should be sent by the village officers to the Special Revenue Inspector and the Firka Revenue Inspector on the 2nd of every month.)

Number of trees remaining to be operated at the beginning of the month.			Detections made during the month.									Total.			Operations conducted during the month.																Total.			
			By the Special Revenue Inspector.			By the Firka Revenue Inspector.			By the Village Officers.						By the Special Revenue Inspector.				By the Firka Revenue Inspector.				By the Village Officers.				By the occupiers.							
Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Inwardly infected.	Dead.	Diseased.	Surrounding.	Inwardly infected.	Dead.	Diseased.	Surrounding.	Inwardly infected.	Dead.	Diseased.	Surrounding.	Inwardly infected.	Dead.	Diseased.	Surrounding.	Inwardly infected.
(1)			(2)			(3)			(4)			(5)			(6)				(7)				(8)				(9)				(10)			

Number of trees remaining to be operated at the end of the month.												Details concerning permanent advance used for operations.				REMARKS.
Total column ( ) *minus* column (10).			Notice not served.			Notice period not completed.			Notice period over.			Balance remaining to be collected at the beginning of the month.	Total amount spent during the month for operation.	Total amount collected during the month.	Total amount due to be collected from the village.	1. Explanation for balance remaining over in column (15). 2. Explanation for arrears remaining over after the demand notice period is over.
Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.	Dead.	Diseased.	Surrounding.					
(11)			(12)			(13)			(14)			(15)	(16)	(17)	(18)	(19)
													RS.	RS.	RS.	

APPENDIX XX.

[Standing Order No. 213, paragraph 10.]

Instructions regarding the procedure to be adopted in the issue of and recoupment of Permanent Advance.

1. In order to enable inspecting officers to meet the cost of the remedial or preventive measures carried out under the Act, each inspecting officer shall be given a permanent advance of Rs. 25.

2. The advances required by inspecting officers to carry on the remedial measures may be drawn by them on the form for " Bill for Miscellaneous Payments " countersigned by the Tahsildar of the taluk or Deputy Tahsildar in independent charge. The charges incurred should be debited to " Advances repayable—Special advances—Advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

3. Tahsildars and Deputy Tahsildars will maintain a register showing separately the advances drawn by each inspecting officer specifying the particulars for which the advance was sanctioned. In this register, particulars of recoveries, effected should also be noted, the required information being obtained, from the Treasury Officer. They will also be responsible for the adjustment of all such advances drawn from the treasury.

4. Each inspecting officer should also in his turn keep a register showing all advances drawn by him, the demand issued and the recoveries effected, the last information being obtained from the Treasury Officer.

Note—In the case of eradication of palm diseases, all charges incurred under section 9 or 13 of the Act, on account of compensation paid to occupiers will be treated as expenditure of the Agricultural department.

5. As the work in each area progresses, the inspecting officer will submit to the Tahsildar or Deputy Tahsildar vouchers in support of the expenditure incurred by him and on its completion he will refund any unexpended balance. Amounts refunded will be treated as abatement of charges under the advance account concerned.

6. All recoveries on account of the remedial measures carried out by Government should be credited as receipts under the advance head concerned, i.e., " Advances repayable—Special advances—Advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

7. Fines realized under section 14 as well as those realized under section 15 should be credited to " XXI. Administration of Justice—General fees, fines and forfeitures—Other items".

8. Remittance of amounts recovered by village officers should be specifically described in the chalans as " Recovery of advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

9. The period [to be specified by the inspecting officer in the notice issued under section 6(1)] within which the occupier shall carry out the remedial or preventive measures will be left to the discretion of Tahsildars (or Deputy Tahsildars in independent charge) who should give general or special instructions to inspecting officers, subject to the condition that in no case should the period allowed exceed eleven days.

Appx. XX.

10. Appeals under the Act are subject to the usual stamp duty of 75 naye Paise. The Collector should add a note to this effect at the foot of the rules issued under section 21 of the Act.

Where the Government happen to be occupiers of any notified area, the occupying office or department should carry out the preventive and remedial measures in pursuance of the notification issued and debit the charges incurred in that connexion to its contingencies. When owing to the default of an occupying office or department, the inspecting officers carry out the remedial measures, the expenditure incurred should be debited finally to the contingencies of the department concerned.

The local bodies are responsible for carrying out the preventive and remedial measures in respect of areas under their occupation and the cost of the measures should be met from their own funds.

G.O. Ms. 2945, Rev., d. 26-7-56. B.P. Mis. 1686, d. 30-11-56.
G.O. Ms. 112, Rev., d. 8-1-57.

APPENDIX XXI.

[Standing Order No. 213, paragraph 11.]

Rules relating to the advances for remedial measures and to the maintenance of registers.

1. The advances required by the inspecting officers to carry on the remedial measures may be drawn by them in the form for " Bill for miscellaneous payments " countersigned by the Tahsildar or Deputy Tahsildar in independant charge. The charges incurred should be debited to " Advances repayable—Special advances—Advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

2. Tahsildars and Deputy Tahsildars will maintain a register in Form A showing separately the advances drawn by each inspecting officer, specifying the particulars for which the advances were sanctioned. In this register particulars of recoveries effected should also be noted the required information being obtained from the Treasury Officer. They will also be responsible for the adjustment of all such advances drawn from the treasury. The Tahsildars and Deputy Tahsildars who draw advances should submit an abstract from their registers to the Collector's office in Form C.

3. Each inspecting officer should also in his turn keep a register in Form B showing all advances drawn by him, the demand issued and the recoveries effected, the last information being obtained from the Treasury Officer.

4. As the work in each area progresses the inspecting officer will submit to the Tahsildar or Deputy Tahsildar vouchers in support of the expenditure incurred by him and on its completion he will refund any unexpended balance. Amounts refunded will be treated as abatement of charges under the advance account concerned.

5. All recoveries on account of the remedial measures carried out by the Government should be credited as receipts under the advance head concerned, i.e., " Advances repayable—Special advances—Advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

6. Fines realized under section 14 as well as those realized under section 15 should be credited to " XXI. Administration of Justice—General fees, fines and forfeitures—Other items".

7. Remittances of amounts recovered by village officers should be specifically described in the chalans as " Recovery of advances for the destruction of agricultural pests and diseases—Madras Act III of 1919".

Appx. XXI

FORM A.

Register of advances for the destruction of agricultural pests and diseases.

Office of the Tahsildar, / Deputy Tahsildar.

Advances drawn by inspecting officers.				Recoveries effected.			Remarks.
Officer.	Date.	Amount.	Purpose.	Chalan number and date.	Amount.	Particulars.	
		RS. nP.			RS. nP.		

FORM B.

Register of advances for the destruction of agricultural pests and diseases.

Designation of the Inspecting Officer.

Advances drawn.			Date of completion of work.	Demand issued for cost of work done.			Recoveries effected.			Remarks.
Date.	Amount.	Purpose.		Date.	Amount.	Particulars.	Chalan number and date.	Amount.	Particulars.	
	RS. nP.				RS. nP.			RS. nP.		

FORM C.

Register of advances for the destruction of agricultural pests and diseases.

Taluk.

Month.	Advances drawn.	Amount recovered.	Balance outstanding.	Remarks.
	RS. nP.	RS. nP.	RS. nP.	

G.O. Ms. 1205, Dev., d. 19-6-42. B.P. 35, Press, d. 30-6-42.
G.O. Ms. 2945, Rev., d. 26-7-56. B.P. Ms. 1686, d. 30-11-56.
G.O. Ms. 112, Rev., d. 8-1-57.

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